

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,)	CASE NO: 7:16-CR-01589
)	
Plaintiff,)	CRIMINAL
)	
vs.)	McAllen, Texas
)	
ERICK ALAN TORRES DAVILA,)	Tuesday, April 3, 2018
ELIZABETH LOPEZ-PEREZ,)	
DAVID MARTINEZ, JR.,)	(2:24 p.m. to 3:38 p.m.)
EFRAIN ROBLEDO,)	
OLEOMAR MONTALVO, JR.,)	
ERIC MIXTLI CACERES-COLEMAN,)	
HECTOR HERNANDEZ CARDENAS,)	
)	
Defendants.)	

REARRAIGNMENT

BEFORE THE HONORABLE RICARDO H. HINOJOSA,
UNITED STATES DISTRICT JUDGE

Appearances: See next page

Spanish Interpreter: Cynthia de Peña

Court Recorder [ECRO]: Antonio Tijerina

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McAllen, Texas; Tuesday, April 3, 2018; 2:24 p.m.

(Call to Order)

(Interpreter Utilized for Translation)

THE COURT: M-16-1589, United States of America
versus Eric Alan Torres Davila.

MS. PROFIT: The government is present and ready, your
Honor.

MR. GARCIA: Good afternoon, your Honor. We're
present and ready for a plea to count one.

THE COURT: He needs an interpreter?

MR. GARCIA: Yes, your Honor.

THE COURT: Elizabeth Lopez-Perez?

MS. PROFIT: The government is present and ready.

MR. GARZA: Ms. Perez is pleading to count number 4.

THE COURT: David, she needs an interpreter and has
one. David Martinez?

MR. QUINTANILLA: C.J. Quintanilla for Mr. Martinez,
your Honor. He's ready.

THE COURT: Are you an attorney of record for him?
Because this has listed as Richard Garcia.

MR. QUINTANILLA: True, that's, he is my law partner,
your Honor. And he couldn't be here today. And I filed a
notice of co-Counsel appearance, your Honor.

THE COURT: Mr. Martinez, you wanted to proceed with
Mr. Quintanilla today for purposes of your change of plea

1 hearing?

2 **DEFENDANT MARTINEZ:** Yes, your Honor.

3 **THE COURT:** Okay. The Court will allow that. Efrain
4 Robledo.

5 **MR. MONTALVO:** Good afternoon, your Honor. Ric
6 Montalvo for Mr. Robledo, he's present and ready, he needs the
7 services of an interpreter and has one.

8 **THE COURT:** And he has one. Olemar Montalvo?

9 **MR. BARROSO:** Good afternoon, your Honor. Ron
10 Barroso, on behalf of Mr. Montalvo, who is present and ready.
11 He is pleading to count five. He does not need an interpreter.

12 **THE COURT:** And he's out on bond?

13 **MR. BARROSO:** Yes, your Honor.

14 **THE COURT:** Eric Mixtli Caceres-Coleman, also known
15 as Eric Caceres-Coleman.

16 **MR. MULDER:** Yes, Chris Mulder for Mr. Coleman to
17 change his plea to count five. He does not need an
18 interpreter. He's on bond, he's coming now.

19 **THE COURT:** Hector Hernandez-Cardenas.

20 **MR. ARRIAGA:** Good afternoon, your Honor. Gerardo
21 Arriaga for Mr. Cardenas. He does need an interpreter.

22 **THE COURT:** And he has one. If you can all move a
23 little bit here to the right? It's my understanding that each
24 one of these defendants is a change of plea. Lady and
25 gentlemen, if you would please raise your right hand so you can

1 be sworn in.

2 (Defendants sworn)

3 THE COURT: Mr. Torres, do you sir?

4 DEFENDANT TORRES: Yes, sir.

5 THE COURT: Ms. Lopez, do you ma'am?

6 DEFENDANT LOPEZ: Yes.

7 THE COURT: Mr. Martinez, do you sir?

8 DEFENDANT MARTINEZ: Yes, sir.

9 THE COURT: Mr. Robledo, do you sir?

10 DEFENDANT ROBLEDO: Yes, sir.

11 THE COURT: Mr. Montalvo, do you sir?

12 DEFENDANT MONTALVO: Yes, sir.

13 THE COURT: Mr. Coleman, do you sir?

14 DEFENDANT CACERES: Yes, sir.

15 THE COURT: Mr. Hernandez, do you sir?

16 DEFENDANT HERNANDEZ: Yes.

17 THE COURT: Does each one of you understand that
18 having been sworn, all of your answers to my questions have to
19 be the truth, and if they are not, you are subjecting yourself
20 to the penalties of perjury and or of making a false statement?
21 Do you understand that Mr. Torres?

22 DEFENDANT TORRES: Yes, sir.

23 THE COURT: Ms. Lopez?

24 DEFENDANT LOPEZ: Yes.

25 THE COURT: Mr. Martinez?

1 **DEFENDANT MARTINEZ:** Yes, your Honor.

2 **THE COURT:** Mr. Robledo?

3 **DEFENDANT ROBLEDO:** Yes, sir.

4 **THE COURT:** Mr. Montalvo?

5 **DEFENDANT MONTALVO:** Yes, sir.

6 **THE COURT:** Mr. Coleman?

7 **DEFENDANT CACERES:** Yes, your Honor.

8 **THE COURT:** And Mr. Cardenas?

9 **DEFENDANT HERNANDEZ:** Yes.

10 **THE COURT:** Mr. Torres, what is your full, true, and
11 correct name, sir.

12 **DEFENDANT TORRES:** Eric Torres Davila.

13 **THE COURT:** And Torres is your father's last name,
14 sir?

15 **DEFENDANT TORRES:** Yes.

16 **THE COURT:** Ms. Lopez, what is your full, true, and
17 correct name, ma'am?

18 **DEFENDANT LOPEZ:** Elizabeth Lopez-Perez.

19 **THE COURT:** And Lopez is your father's last name?

20 **DEFENDANT LOPEZ:** Yes.

21 **THE COURT:** And Perez is your mother's last name?

22 **DEFENDANT LOPEZ:** Yes.

23 **THE COURT:** Mr. Martinez, what is your full, true,
24 and correct name, sir?

25 **DEFENDANT MARTINEZ:** David Martinez, Jr.

1 **THE COURT:** Do you want to add Junior to this
2 indictment here?

3 **MS. PROFIT:** Yes, your Honor. The government so
4 moves.

5 **THE COURT:** Is there any objection, Mr. Quintanilla?

6 **MR. QUINTANILLA:** No objection, your Honor.

7 **THE COURT:** The Court's going to allow the indictment
8 to reflect David Martinez, Jr. Efrain, Mr. Robledo, what is
9 your true, full, and correct name, sir.

10 **DEFENDANT ROBLEDO:** Efrain Robledo.

11 **THE COURT:** And Robledo is your father's last name,
12 sir?

13 **DEFENDANT ROBLEDO:** Yes, sir.

14 **THE COURT:** Mr. Montalvo, what is your full, true,
15 and correct name, sir?

16 **DEFENDANT MONTALVO:** Olemar Montalvo, Jr.

17 **THE COURT:** And you're a Junior, also?

18 **DEFENDANT MONTALVO:** Yes, sir.

19 **THE COURT:** Do you want to add Junior to this
20 indictment?

21 **MS. PROFIT:** Yes, your Honor.

22 **THE COURT:** Is there any objection, Mr. Barroso?

23 **MR. BARROSO:** No, your Honor.

24 **THE COURT:** The Court's going to allow it to be
25 amended that way? And Mr. Caceres, what is your full, true,

1 and correct name, sir?

2 **DEFENDANT CACERES:** Eric Mixtli Caceres-Coleman.

3 **THE COURT:** And Caceres is your father's last name,
4 sir?

5 **DEFENDANT CACERES:** Yes, sir.

6 **THE COURT:** And Mixtli is a middle name?

7 **DEFENDANT CACERES:** Yes, sir.

8 **THE COURT:** And Mr. Hernandez, what is your full,
9 true, and correct name, sir?

10 **DEFENDANT HERNANDEZ:** Hector Hernandez-Cardenas.

11 **THE COURT:** And Hernandez is your father's last name,
12 sir?

13 **DEFENDANT HERNANDEZ:** Yes.

14 **THE COURT:** I have been told that each one of you
15 would like to change your plea from not guilty to guilty with
16 regards to one of the charges contained in your indictment. In
17 the United States, when a person pleads guilty, they give up
18 some very important rights. I am going to explain some of
19 these to you. If at any point you did not understand something
20 that I said, or you did not hear something that I said, would
21 you please stop me and let me know? Mr. Torres, would you do
22 that?

23 **DEFENDANT TORRES:** Yes, sir.

24 **THE COURT:** Ms. Lopez, would you?

25 **DEFENDANT LOPEZ:** Yes.

1 **THE COURT:** Mr. Martinez, would you?

2 **DEFENDANT MARTINEZ:** Yes, your Honor.

3 **THE COURT:** Mr. Robledo, would you?

4 **DEFENDANT ROBLEDOS:** Yes, sir.

5 **THE COURT:** Mr. Montalvo, would you, sir?

6 **DEFENDANT MONTALVO:** Yes, sir.

7 **THE COURT:** Mr. Coleman, would you, sir?

8 **DEFENDANT CACERES:** Yes, your Honor.

9 **THE COURT:** And Mr. Hernandez, would you, sir?

10 **DEFENDANT HERNANDEZ:** Yes.

11 **THE COURT:** I also want you to understand that
12 although I've called your cases at the same time, each one of
13 you has a separate and individual case against you. And
14 everything that I tell you here applies to you separately and
15 individually. And the answer of one of you in no way controls
16 the answer of anybody else.

17 So, knowing that, I'm going to ask your attorney
18 first, and then you, if you have any objection of my taking
19 your guilty plea at the same time that I take the guilty pleas
20 of the other defendants in their particular case.

21 Mr. Garcia, for your client, do you have any
22 objection to this?

23 **MR. GARCIA:** I have no objection, your Honor.

24 **THE COURT:** Mr. Torres, do you sir?

25 **DEFENDANT TORRES:** No.

1 **THE COURT:** Mr. Garza, for your client do you?

2 **MR. GARZA:** No, your Honor.

3 **THE COURT:** Ms. Lopez, do you ma'am?

4 **DEFENDANT LOPEZ:** No.

5 **THE COURT:** Mr. Quintanilla, for your client, do you,
6 sir?

7 **MR. QUINTANILLA:** No objection, your Honor.

8 **THE COURT:** Mr. Martinez, do you?

9 **DEFENDANT MARTINEZ:** No, sir.

10 **THE COURT:** Mr. Montalvo, for your client, do you,
11 sir?

12 **MR. MONTALVO:** No, your Honor.

13 **THE COURT:** Mr. Robledo, do you, sir?

14 **DEFENDANT ROBLEDO:** No, sir.

15 **THE COURT:** Mr. Barroso, for your client, do you,
16 sir?

17 **MR. BARROSO:** No, your Honor.

18 **THE COURT:** Mr. Montalvo, do you, sir?

19 **DEFENDANT MONTALVO:** No, sir.

20 **THE COURT:** Mr. Mulder, for your client, do you, sir?

21 **MR. MULDER:** No, sir.

22 **THE COURT:** What?

23 **MR. MULDER:** No, sir.

24 **THE COURT:** Mr. Caceres, do you, sir?

25 **DEFENDANT CACERES:** No, sir.

1 **THE COURT:** Mr. Arriaga, for your client, do you,
2 sir?

3 **MR. ARRIAGA:** No, sir.

4 **THE COURT:** Mr. Hernandez, do you? Do you have any
5 objection to this Mr. Hernandez?

6 **DEFENDANT HERNANDEZ:** No.

7 **THE COURT:** Mr. Torres, how old are you, sir?

8 **DEFENDANT TORRES:** 31 years old.

9 **THE COURT:** How far have you gone in school, sir?

10 **DEFENDANT TORRES:** Nine.

11 **THE COURT:** Nine years in Mexico, or where?

12 **DEFENDANT TORRES:** Six in Mexico and three here.

13 **THE COURT:** Where did you go to school here?

14 **DEFENDANT TORRES:** Lincoln Middle School.

15 **THE COURT:** In McAllen?

16 **DEFENDANT TORRES:** Yes.

17 **THE COURT:** You read and write Spanish?

18 **DEFENDANT TORRES:** Yes.

19 **THE COURT:** Do you speak any English?

20 **DEFENDANT TORRES:** No.

21 **THE COURT:** They didn't teach you any English in
22 three years at Lincoln Jr. High?

23 **DEFENDANT TORRES:** Yes. Yes, but I don't recall it.

24 **THE COURT:** If we were to proceed totally in English,
25 would you be able to understand every single word in English

1 and would you be able to respond completely in English?

2 **DEFENDANT TORRES:** No.

3 **THE COURT:** Have you ever been treated by a doctor,
4 or admitted to a hospital, for a mental disease or mental
5 disorder of any kind?

6 **DEFENDANT TORRES:** I've seen a doctor, a
7 psychologist.

8 **THE COURT:** Where?

9 **DEFENDANT TORRES:** Here.

10 **THE COURT:** While you've been in custody?

11 **DEFENDANT TORRES:** Yes.

12 **THE COURT:** And why did you see a psychologist?

13 **DEFENDANT TORRES:** Because I thought I needed one.

14 **THE COURT:** Okay. How long ago was that?

15 **DEFENDANT TORRES:** Approximately five months.

16 **THE COURT:** Are you still meeting with him or her?

17 **DEFENDANT TORRES:** Not right now.

18 **THE COURT:** Have you, during the last 24 hours, taken
19 any kind of drugs, medicine, or pills, or drunk any alcoholic
20 beverages?

21 **DEFENDANT TORRES:** Medication.

22 **THE COURT:** And the medication is what?

23 **DEFENDANT TORRES:** For depression, anxiety, and
24 sleeping.

25 **THE COURT:** Okay. And the anxiety, is it your being

1 held in custody, right?

2 **DEFENDANT TORRES:** I suppose so.

3 **THE COURT:** Okay. Have you ever had a hard time
4 sleeping before?

5 **DEFENDANT TORRES:** Yes.

6 **THE COURT:** Okay. Have you, during the last 24
7 hours, taken any kind of drugs, medicine or pills, or drunk any
8 alcoholic beverages, and you took that medication last night,
9 or this morning, or when?

10 **DEFENDANT TORRES:** Last night.

11 **THE COURT:** Okay. Do you have, do you know the name
12 of the medication?

13 **DEFENDANT TORRES:** No.

14 **THE COURT:** Mr. Garcia, do you have any doubt as to
15 his competence to understand these proceedings and to enter a
16 knowing plea at this time?

17 **MR. GARCIA:** I have no doubt, your Honor.

18 **THE COURT:** And you've been able to converse with him
19 and he's been able to help in his defense, and has understood
20 all of your conversations with him, and he's been able to help
21 you with regards to his defense?

22 **MR. GARCIA:** Yes, your Honor.

23 **THE COURT:** The Court is going to find that
24 Mr. Torres is competent to understand these proceedings and to
25 enter a knowing plea in this case. Are you an American

1 citizen, Mr. Torres?

2 **DEFENDANT TORRES:** Mexican.

3 **THE COURT:** Ms. Lopez, how old are you, ma'am?

4 **DEFENDANT LOPEZ:** 31 years old.

5 **THE COURT:** How far have you gone in school?

6 **DEFENDANT LOPEZ:** 12.

7 **THE COURT:** 12 years, where?

8 **DEFENDANT LOPEZ:** In Mexico.

9 **THE COURT:** You read and write Spanish?

10 **DEFENDANT LOPEZ:** Yes.

11 **THE COURT:** Do you speak any English?

12 **DEFENDANT LOPEZ:** No.

13 **THE COURT:** Have you ever been treated by a doctor,
14 or admitted to a hospital, for a mental disease or mental
15 disorder of any kind?

16 **DEFENDANT LOPEZ:** No.

17 **THE COURT:** Have you, during the last 24 hours, taken
18 any kind of drugs, medicine, or pills, or drunk any alcoholic
19 beverages?

20 **DEFENDANT LOPEZ:** No.

21 **THE COURT:** Mr. Garza, do you have any doubt as to
22 her competence to understand these proceedings, and to enter a
23 knowing plea in her case?

24 **MR. GARZA:** No, your Honor.

25 **THE COURT:** The Court is going to find that Ms. Lopez

1 is competent to understand these proceedings and to enter a
2 knowing plea in her case.

3 Ms. Lopez, are you an American citizen?

4 **DEFENDANT LOPEZ:** No.

5 **THE COURT:** Mr. Martinez, how old are you, sir?

6 **DEFENDANT MARTINEZ:** 43, sir.

7 **THE COURT:** 43. How far have you gone in school,
8 sir?

9 **DEFENDANT MARTINEZ:** I went to 12th, but I didn't
10 get to graduate, your Honor.

11 **THE COURT:** Where did you go to school?

12 **DEFENDANT MARTINEZ:** Edcouch Elsa.

13 **THE COURT:** Why did you not graduate?

14 **DEFENDANT MARTINEZ:** We were migrants, and we had to
15 start working. But I did get my GED, sir.

16 **THE COURT:** You got your GED.

17 **DEFENDANT MARTINEZ:** Yes, sir.

18 **THE COURT:** So, you obviously read and write English.

19 **DEFENDANT MARTINEZ:** Yes, sir I do.

20 **THE COURT:** Have you ever been treated by doctor, or
21 admitted to a hospital, for a mental disease or a mental
22 disorder of any kind?

23 **DEFENDANT MARTINEZ:** No, your Honor, I have not.

24 **THE COURT:** Have you, during the last 24 hours, taken
25 any kind of drugs, medicine, or pills, or drunk any alcoholic

1 beverages?

2 **DEFENDANT MARTINEZ:** No, sir I haven't.

3 **THE COURT:** Mr. Quintanilla, do you have any doubt as
4 to his competence to understand these proceedings and enter a
5 knowing plea in his case?

6 **MR. QUINTANILLA:** No doubt whatsoever, your Honor.

7 **THE COURT:** The Court is going to find that
8 Mr. Martinez is competent to understand these proceedings and
9 to enter a knowing plea in his case.

10 Mr. Martinez, you're an American citizen, right/

11 **DEFENDANT MARTINEZ:** Yes, sir I am.

12 **THE COURT:** Mr. Robledo, how old are you, sir?

13 **DEFENDANT ROBLEDO:** 27 years old.

14 **THE COURT:** How far have you gone in school, sir?

15 **DEFENDANT ROBLEDO:** Through preparatory school.

16 **THE COURT:** So, 12 years in Mexico, or how many years
17 in Mexico?

18 **DEFENDANT ROBLEDO:** I completed four here and
19 completed preparatory school over there.

20 **THE COURT:** So, you finished 12 years in Mexico and
21 then four years here?

22 **DEFENDANT ROBLEDO:** Yes. And then I completed in
23 Mexico after that.

24 **THE COURT:** Okay. Four years here, where did you do
25 it?

1 **DEFENDANT ROBLEDO:** At Valley View.

2 **THE COURT:** Did you learn any English there?

3 **DEFENDANT ROBLEDO:** Very little.

4 **THE COURT:** Have you ever been treated by a doctor,
5 or admitted to a hospital, for a mental disease or a mental
6 disorder of any kind?

7 **DEFENDANT ROBLEDO:** No, sir.

8 **THE COURT:** Have you, during the last 24 hours, taken
9 any kind of drugs, medicine, or pills, or drunk any alcoholic
10 beverages?

11 **DEFENDANT ROBLEDO:** No, sir.

12 **THE COURT:** Mr. Montalvo, do you have any doubt as to
13 his competence to understand these proceedings and to enter a
14 knowing plea in his case?

15 **MR. MONTALVO:** No doubt, your Honor.

16 **THE COURT:** The Court is going to find that
17 Mr. Robledo is competent to understand these proceedings and to
18 enter a knowing plea in this case.

19 Mr. Montalvo, the defendant, how old are you, sir?

20 **DEFENDANT MONTALVO:** 39 sir.

21 **THE COURT:** And how far have you gone in school?

22 **DEFENDANT MONTALVO:** 10th grade.

23 **THE COURT:** 10th grade?

24 **DEFENDANT MONTALVO:** Yes, sir.

25 **THE COURT:** Where did you go to school?

1 **DEFENDANT MONTALVO:** Richard King High School in
2 Corpus.

3 **THE COURT:** Why did you quit in the 10th grade?

4 **DEFENDANT MONTALVO:** I dropped out.

5 **THE COURT:** Did you get your GED?

6 **DEFENDANT MONTALVO:** No, sir.

7 **THE COURT:** Have you ever been treated by a doctor,
8 or admitted to a hospital, for a mental disease or a mental
9 disorder of any kind?

10 **DEFENDANT MONTALVO:** No, sir.

11 **THE COURT:** Have you, during the last 24 hours, taken
12 any kind of drugs, medicine, or pills, or drunk any alcoholic
13 beverages?

14 **DEFENDANT MONTALVO:** No, sir.

15 **THE COURT:** Mr. Barroso, do you have any doubt as to
16 his competence to understand these proceedings --

17 **MR. BARROSO:** No, your Honor.

18 **THE COURT:** -- and to enter a knowing plea at this
19 time? Do you have any doubt?

20 **MR. BARROSO:** No, your Honor. I have no doubt that
21 he's competent.

22 **THE COURT:** The Court is going to find that
23 Mr. Montalvo is competent to understand these proceedings and
24 to enter a knowing plea in this case.

25 Mr. Montalvo, are you an American citizen?

1 **DEFENDANT MONTALVO:** Yes, sir.

2 **THE COURT:** Mr. Robledo, are you an American citizen?

3 **DEFENDANT ROBLEDO:** Yes, sir.

4 **THE COURT:** Mr. Caceres, how old are you, sir?

5 **DEFENDANT CACERES:** 29, sir.

6 **THE COURT:** And how far have you gone in school?

7 **DEFENDANT CACERES:** 11th grade, but I'm already
8 scheduled to get my GED next week.

9 **THE COURT:** You're going to be taking your GED?

10 **DEFENDANT CACERES:** Yes, sir.

11 **THE COURT:** Why did you drop out of school in the
12 11th grade?

13 **DEFENDANT CACERES:** Because I had a fight with my
14 mom, and I took it too far, I guess, and I left the house and
15 just didn't go back to school.

16 **THE COURT:** And where was this?

17 **DEFENDANT CACERES:** This was here in the United
18 States, in Dallas, Texas.

19 **THE COURT:** In Dallas?

20 **DEFENDANT CACERES:** Yes, sir.

21 **THE COURT:** Are you speaking to your mom now?

22 **DEFENDANT CACERES:** Oh, yeah, no, that was just like
23 a couple of months, but I had already dropped out of school,
24 so they wouldn't let me back in.

25 **THE COURT:** You obviously read and write English.

1 **DEFENDANT CACERES:** Yes, sir.

2 **THE COURT:** Have you ever been treated by a doctor,
3 or admitted to a hospital, for a mental disease or mental
4 disorder of any kind?

5 **DEFENDANT CACERES:** No, sir.

6 **THE COURT:** Have you, during the last 24 hours, taken
7 any kind of drugs, medicine, or pills, or drunk any alcoholic
8 beverages?

9 **DEFENDANT CACERES:** No, sir.

10 **THE COURT:** Mr. Mulder, do you have any doubt as to
11 his competence to understand these proceedings and, or to enter
12 a knowing plea in this case?

13 **MR. MULDER:** No doubt whatsoever, your Honor.

14 **THE COURT:** The Court is going to find that
15 Mr. Caceres is competent to understand these proceedings and to
16 enter a knowing plea in this case.

17 Mr. Caceres, you do have, you're an American citizen,
18 right?

19 **DEFENDANT CACERES:** Yes, sir.

20 **THE COURT:** And how did you pick the name Mixtli?

21 **DEFENDANT CACERES:** Oh, my dad, I was born in Mexico,
22 and my dad is Mexican. But, since my mom is American, I was
23 born a dual citizenship.

24 **THE COURT:** So, you're not naturalized, you're
25 actually born with American citizenship?

1 **DEFENDANT CACERES:** Yes, sir. I've got two birth
2 certificates.

3 **THE COURT:** Okay.

4 **DEFENDANT CACERES:** Social security and everything.

5 **THE COURT:** Mr. Hernandez, how old are you, sir?
6 Well, I did find that Mr. Caceres is competent to understand
7 these proceedings and to enter a knowing plea in his case.

8 Mr. Hernandez, how old are you, sir?

9 **DEFENDANT HERNANDEZ:** 53 years old.

10 **THE COURT:** How far did you go in school, sir?

11 **DEFENDANT HERNANDEZ:** 12th.

12 **THE COURT:** 12 years in Mexico?

13 **DEFENDANT HERNANDEZ:** Yes, in Mexico.

14 **THE COURT:** Do you read and write Spanish?

15 **DEFENDANT HERNANDEZ:** Yes.

16 **THE COURT:** Do you speak any English?

17 **DEFENDANT HERNANDEZ:** No.

18 **THE COURT:** Have you ever been treated by a doctor,
19 or admitted to a hospital, for a mental disease or mental
20 disorder of any kind?

21 **DEFENDANT HERNANDEZ:** No.

22 **THE COURT:** Have you, in the last 24 hours, taken any
23 kind of drugs, medicine, or pills, or drunk any alcoholic
24 beverages?

25 **DEFENDANT HERNANDEZ:** No.

1 **THE COURT:** Mr. Arriaga, do you have any doubt as to
2 his competence to understand these proceedings and to enter a
3 knowing plea at this time?

4 **MR. ARRIAGA:** None whatsoever, your Honor.

5 **THE COURT:** The Court is going to find that
6 Mr. Hernandez is competent to understand these proceedings and
7 to enter a knowing plea in this case.

8 Mr. Hernandez, are you an American citizen?

9 **DEFENDANT HERNANDEZ:** No.

10 **THE COURT:** Mr. Mulder, have you discussed with your
11 client to make sure that he was he wasn't naturalized?

12 **MR. MULDER:** Yes, your Honor. We've got copies of
13 the certificates.

14 **THE COURT:** Okay. Because, there's a Sixth Circuit
15 Court case about making sure that people who are naturalized,
16 who plead guilty, should be told that there may be an issue
17 with regards to their naturalization. But, you're telling me
18 that he's not naturalized, he's just an American citizen.

19 **MR. MULDER:** Yes, sir.

20 **THE COURT:** Okay. The next question is addressed to
21 each one of you. Have you had an opportunity to discuss your
22 case with your lawyer? Mr. Torres?

23 **DEFENDANT TORRES:** Yes, sir.

24 **THE COURT:** Ms. Lopez?

25 **DEFENDANT LOPEZ:** Yes.

1 **THE COURT:** Mr. Martinez?

2 **DEFENDANT MARTINEZ:** Yes, your Honor.

3 **THE COURT:** Mr. Robledo?

4 **DEFENDANT ROBLEDOS:** Yes, sir.

5 **THE COURT:** Mr. Montalvo?

6 **DEFENDANT MONTALVO:** Yes, sir.

7 **THE COURT:** Mr. Coleman?

8 **DEFENDANT CACERES:** Yes, sir.

9 **THE COURT:** And Mr. Hernandez?

10 **DEFENDANT HERNANDEZ:** Yes, sir.

11 **THE COURT:** Are you satisfied with the way your
12 lawyer has represented you? Mr. Torres?

13 **DEFENDANT TORRES:** Yes, of course.

14 **THE COURT:** Ms. Lopez?

15 **DEFENDANT LOPEZ:** Yes.

16 **THE COURT:** Mr. Martinez?

17 **DEFENDANT MARTINEZ:** Yes, sir.

18 **THE COURT:** Mr. Robledo?

19 **DEFENDANT ROBLEDOS:** Yes, sir.

20 **THE COURT:** Mr. Montalvo?

21 **DEFENDANT MONTALVO:** Yes, sir.

22 **THE COURT:** Mr. Coleman?

23 **DEFENDANT CACERES:** Yes, your Honor.

24 **THE COURT:** And Mr. Hernandez?

25 **DEFENDANT HERNANDEZ:** Yes.

1 **THE COURT:** Have you received or seen a copy of the
2 indictment, or the formal charges against you in your case?
3 Mr. Torres?

4 **DEFENDANT TORRES:** Yes, sir.

5 **THE COURT:** Ms. Lopez?

6 **DEFENDANT LOPEZ:** Yes.

7 **THE COURT:** Mr. Martinez?

8 **DEFENDANT MARTINEZ:** Yes, your Honor.

9 **THE COURT:** Mr. Robledo?

10 **DEFENDANT ROBLEDO:** Yes, sir.

11 **THE COURT:** Mr. Montalvo?

12 **DEFENDANT MONTALVO:** Yes, sir.

13 **THE COURT:** Mr. Coleman?

14 **DEFENDANT CACERES:** Yes, your Honor.

15 **THE COURT:** And Mr. Hernandez?

16 **DEFENDANT HERNANDEZ:** Yes.

17 **THE COURT:** Have you had sufficient time to visit
18 with your lawyer about the charges contained against you in
19 your indictment? Mr. Torres?

20 **DEFENDANT TORRES:** Yes, sir.

21 **THE COURT:** Ms. Lopez?

22 **DEFENDANT LOPEZ:** Yes.

23 **THE COURT:** Mr. Martinez?

24 **DEFENDANT MARTINEZ:** Yes, your Honor.

25 **THE COURT:** Mr. Robledo?

1 **DEFENDANT ROBLEDO:** Yes, sir.

2 **THE COURT:** Mr. Montalvo?

3 **DEFENDANT MONTALVO:** Yes, sir.

4 **THE COURT:** Mr. Coleman?

5 **DEFENDANT CACERES:** Yes, sir.

6 **THE COURT:** And Mr. Hernandez?

7 **DEFENDANT HERNANDEZ:** Yes.

8 **THE COURT:** Would you please rearraign each one of
9 the defendants? The Court is going to find that each one of
10 them has taken full advantage of their right to an attorney
11 here.

12 **MS. PROFIT:** In the United States District Court,
13 Southern District of Texas, McAllen Division, United States of
14 America versus Erick Alan Torres Davila, also known as
15 Cachorro; Elizabeth Lopez Perez; David Martinez, Jr.; Efrain
16 Robledo, also known as Payo; Olemar Montalvo, Jr., also known
17 as Omar; Eric Mixtli Caceres Coleman; and Hector Hernandez
18 Cardenas. M16-1589.

19 Proceeding with respect to count one, from on or
20 about February, 2013 to on or about the date of the indictment
21 in the Southern District of Texas, and within the jurisdiction
22 of the Court, defendants Erick Alan Torres Davila, also known
23 as Cachorro, David Martinez, Jr., Efrain Robledo Guerrero,
24 Olemar Montalvo, Jr., and Hector Hernandez Cardenas, did
25 knowingly and intentionally conspire and agree together, and

1 with persons known and unknown to the grand jurors, to possess
2 with intent to distribute a controlled substance. The
3 controlled substance involved were 5 kilograms or more of a
4 mixture or substance containing a detectible amount of cocaine,
5 a Schedule II controlled substance; 50 grams or more of
6 methamphetamine, a Schedule II controlled substance; a 100
7 kilograms or more of a mixture or substance containing a
8 detectible amount of marijuana, a schedule I controlled
9 substance; in violation of Title 21 United States Code Sections
10 846, 841(a)(1), 841(b)(1)(A), and 841(b)(1)(A).

11 How do you plead to count one of the indictment,
12 Erick Alan Torres Davila? Guilty or not guilty?

13 **DEFENDANT TORRES:** Guilty.

14 **MS. PROFIT:** How do you plead to count one of the
15 indictment, David Martinez? Guilty or not guilty?

16 **DEFENDANT MARTINEZ:** Guilty.

17 **MS. PROFIT:** How do you plead to count one of the
18 indictment, Efrain Robledo? Guilty or not guilty?

19 **DEFENDANT ROBLEDO:** Guilty.

20 **MS. PROFIT:** How do you plead to count one of the
21 indictment, Hector Hernandez-Cardenas? Guilty or not guilty?

22 **DEFENDANT HERNANDEZ:** Guilty.

23 **MS. PROFIT:** Proceeding with respect to count four of
24 the indictment. On or about October 7th, 2015, in the Southern
25 District of Texas, and within the jurisdiction of the Court,

1 defendant Elizabeth Lopez Perez, did knowingly and
2 intentionally, possess with intent to distribute a controlled
3 substance. The controlled substance involved was 5 kilograms
4 or more, that is approximately 42 kilograms of a mixture or
5 substance containing a detectible amount of cocaine, a
6 Scheduled II controlled substance, in violation of Title 21
7 United States Code, Sections 841(a)(1) and 841(b)(1)(A); and
8 Title 18 United States Code Section 2.

9 How do you plead to count four of the indictment,
10 Elizabeth Lopez Perez? Guilty or not guilty?

11 **DEFENDANT LOPEZ:** Guilty.

12 **THE COURT:** Proceeding with respect to count five of
13 the indictment. On or about March 31st, 2016, in the Southern
14 District of Texas, and within the jurisdiction of the Court,
15 defendants Olemar Montalvo, also known as Omar, and Eric Mixtli
16 Caceres Coleman, did knowingly and intentionally possess with
17 intent to distribute a controlled substance. The controlled
18 substance involved was 100 kilograms or more, that is
19 approximately 425 kilograms of a mixture or substance
20 containing a detectible amount of marijuana, a Schedule I
21 controlled substance, in violation of Title 21 United States
22 Code Sections 841(a)(1) and 841(b)(1)(B) and Title 18 United
23 States Code Section 2.

24 How do you plead to count five, Olemar Montalvo, also
25 known as Omar? Guilty or not guilty?

1 **DEFENDANT MONTALVO:** Guilty.

2 **MR. BARROSO:** Your Honor, just for the record, I want
3 to make sure that, that particular count, we agreed to plead
4 guilty to an amount more than 100 kilograms of marijuana. But,
5 the exact amount, the 425 was just used.

6 **THE COURT:** Yeah, that's going to be --

7 **MR. BARROSO:** Sure.

8 **THE COURT:** Go ahead.

9 **MR. BARROSO:** I understand it's.

10 **MS. PROFIT:** How do you plead to count five of the
11 indictment, Eric Caceres Coleman? Guilty or not guilty?

12 **DEFENDANT CACERES:** Guilty.

13 **THE COURT:** You've asked all of them now, right?

14 **MS. PROFIT:** I think so.

15 **THE COURT:** Yes, because they're all pleading to
16 either count one, four, or five.

17 **MS. PROFIT:** Right.

18 **THE COURT:** And Mr. Coleman, I've been calling you
19 Mr. Coleman, but your last name is really Mr. Caceres, right?
20 Your father's last name.

21 **DEFENDANT CACERES:** Caceres.

22 **THE COURT:** Yes. Does each one of you understand that
23 under the constitution and laws of the United States, you can
24 if you want to, plead not guilty. And if you plead not guilty,
25 then you have a trial by a jury or a Judge on the charges

1 contained in the indictment against you? Do you understand
2 that Mr. Torres?

3 **DEFENDANT TORRES:** Yes, sir.

4 **THE COURT:** Ms. Lopez?

5 **DEFENDANT LOPEZ:** Yes.

6 **THE COURT:** Mr. Martinez?

7 **DEFENDANT MARTINEZ:** Yes, your Honor.

8 **THE COURT:** Mr. Robledo?

9 **DEFENDANT ROBLEDO:** Yes, sir.

10 **THE COURT:** Mr. Montalvo?

11 **DEFENDANT MONTALVO:** Yes, sir.

12 **THE COURT:** Mr. Caceres?

13 **DEFENDANT CACERES:** Yes, sir.

14 **THE COURT:** And Mr. Hernandez?

15 **DEFENDANT HERNANDEZ:** Yes.

16 **THE COURT:** Do you also understand that at a trial
17 you would have the right to the assistance of an attorney,
18 whether you could afford one or not. And if you could not
19 afford one, the Court would appoint one to represent you at all
20 stages of the proceedings against you at no cost to you. Do
21 you understand that, Mr. Torres?

22 **DEFENDANT TORRES:** Yes, sir.

23 **THE COURT:** Ms. Lopez?

24 **DEFENDANT LOPEZ:** Yes.

25 **THE COURT:** Mr. Martinez?

1 **DEFENDANT MARTINEZ:** Yes, your Honor.

2 **THE COURT:** Mr. Robledo?

3 **DEFENDANT ROBLEDO:** Yes, sir.

4 **THE COURT:** Mr. Montalvo?

5 **DEFENDANT MONTALVO:** Yes, sir.

6 **THE COURT:** Mr. Caceres?

7 **DEFENDANT CACERES:** Yes, sir.

8 **THE COURT:** And Mr. Hernandez?

9 **DEFENDANT HERNANDEZ:** Yes.

10 **THE COURT:** Do you also understand that at a trial,
11 you would be presumed to be innocent, and the government would
12 have to overcome that presumption and prove you guilty by
13 competent evidence and beyond a reasonable doubt, and it would
14 not be up to you to prove your innocence? Do you understand
15 that, Mr. Torres?

16 **DEFENDANT TORRES:** Yes, sir.

17 **THE COURT:** Ms. Lopez?

18 **DEFENDANT LOPEZ:** Yes.

19 **THE COURT:** Mr. Martinez?

20 **DEFENDANT MARTINEZ:** Yes, your Honor.

21 **THE COURT:** Mr. Robledo?

22 **DEFENDANT ROBLEDO:** Yes, sir.

23 **THE COURT:** Mr. Montalvo?

24 **DEFENDANT MONTALVO:** Yes, sir.

25 **THE COURT:** Mr. Caceres?

1 **DEFENDANT CACERES:** Yes, sir.

2 **THE COURT:** And Mr. Hernandez?

3 **DEFENDANT HERNANDEZ:** Yes, sir.

4 **THE COURT:** Do you also understand that in the course
5 of a trial, the witnesses for the government have to come into
6 the courtroom and testify in your presence and in the presence
7 of your attorney; and your attorney can cross examine the
8 witnesses for the government, object to any evidence offered by
9 the government, and present any evidence on your behalf that
10 you might want to present? Do you understand that, Mr. Torres?

11 **DEFENDANT TORRES:** Yes, sir.

12 **THE COURT:** Ms. Lopez?

13 **DEFENDANT LOPEZ:** Yes.

14 **THE COURT:** Mr. Martinez?

15 **DEFENDANT MARTINEZ:** Yes, your Honor.

16 **THE COURT:** Mr. Robledo?

17 **DEFENDANT ROBLEDO:** Yes, sir.

18 **THE COURT:** Mr. Montalvo?

19 **DEFENDANT MONTALVO:** Yes, sir.

20 **THE COURT:** Mr. Caceres?

21 **DEFENDANT CACERES:** Yes, sir.

22 **THE COURT:** And Mr. Hernandez?

23 **DEFENDANT HERNANDEZ:** Yes, sir.

24 **THE COURT:** Do you also understand that at a trial
25 you would have the right to take the witness stand and testify

1 if you chose to do so? You would also have your very
2 important right, under the Fifth Amendment to the United States
3 Constitution, not to testify against yourself and not to
4 incriminate yourself, and no one could hold it against you if
5 you did not do that. Do you understand that, Mr. Torres?

6 **DEFENDANT TORRES:** Yes, sir.

7 **THE COURT:** Ms. Lopez?

8 **DEFENDANT LOPEZ:** Yes.

9 **THE COURT:** Mr. Martinez?

10 **DEFENDANT MARTINEZ:** Yes, your Honor.

11 **THE COURT:** Mr. Robledo?

12 **DEFENDANT ROBLEDO:** Yes, sir.

13 **THE COURT:** Mr. Montalvo?

14 **DEFENDANT MONTALVO:** Yes, sir.

15 **THE COURT:** Mr. Caceres?

16 **DEFENDANT CACERES:** Yes, sir.

17 **THE COURT:** And Mr. Hernandez?

18 **DEFENDANT HERNANDEZ:** Yes.

19 **THE COURT:** Do you also understand that if you
20 continue to plead guilty, and if I accept that guilty plea,
21 that you're giving up and you're waiving up your right to a
22 trial and these other rights which I've just mentioned and
23 discussed with you, including any rights that you may have with
24 regards to having a jury determine any sentencing factor in
25 your case. And in your case, there would not be a trial and I

1 would simply enter a judgment of guilty and sentence you on the
2 basis of your guilty plea? Do you understand that, Mr. Torres?

3 **DEFENDANT TORRES:** Yes, sir.

4 **THE COURT:** Ms. Lopez?

5 **DEFENDANT LOPEZ:** Yes.

6 **THE COURT:** Mr. Martinez?

7 **DEFENDANT MARTINEZ:** Yes, your Honor.

8 **THE COURT:** Mr. Robledo?

9 **DEFENDANT ROBLEDO:** Yes, sir.

10 **THE COURT:** Mr. Montalvo?

11 **DEFENDANT MONTALVO:** Yes, sir.

12 **THE COURT:** Mr. Caceres?

13 **DEFENDANT CACERES:** Yes, sir.

14 **THE COURT:** And Mr. Hernandez?

15 **DEFENDANT HERNANDEZ:** Yes, sir.

16 **THE COURT:** Do you also understand that if you
17 continue to plead guilty, you give up your right not to testify
18 against yourself and not to incriminate yourself? Because in
19 order for me to be satisfied that you are guilty, I am going to
20 have to ask you some questions about this alleged offense, and
21 you will not be able to refuse to answer them. Do you
22 understand that, Mr. Torres?

23 **DEFENDANT TORRES:** Yes, sir.

24 **THE COURT:** Ms. Lopez?

25 **DEFENDANT LOPEZ:** Yes.

1 **THE COURT:** Mr. Martinez?

2 **DEFENDANT MARTINEZ:** Yes, your Honor.

3 **THE COURT:** Mr. Robledo?

4 **DEFENDANT ROBLEDO:** Yes, sir.

5 **THE COURT:** Mr. Montalvo?

6 **DEFENDANT MONTALVO:** Yes, sir.

7 **THE COURT:** Mr. Caceres?

8 **DEFENDANT CACERES:** Yes, sir.

9 **THE COURT:** And Mr. Hernandez?

10 **DEFENDANT HERNANDEZ:** Yes.

11 **THE COURT:** In your own case, are you willing to
12 waive up and give up your right to a trial and these other
13 rights that I've just indicated to you that you give up when
14 you plead guilty? Are you willing to do that in your case,
15 Mr. Torres?

16 **DEFENDANT TORRES:** Yes, sir.

17 **THE COURT:** Ms. Lopez?

18 **DEFENDANT LOPEZ:** Yes.

19 **THE COURT:** Mr. Martinez?

20 **DEFENDANT MARTINEZ:** Yes, sir.

21 **THE COURT:** Mr. Robledo?

22 **DEFENDANT ROBLEDO:** Yes, sir.

23 **THE COURT:** Mr. Montalvo?

24 **DEFENDANT MONTALVO:** Yes, sir.

25 **THE COURT:** Mr. Caceres?

1 **DEFENDANT CACERES:** Yes, sir.

2 **THE COURT:** And Mr. Hernandez?

3 **DEFENDANT HERNANDEZ:** Yes.

4 **THE COURT:** And each one of you has already told me
5 that you've discussed with your lawyer the charges contained in
6 the indictment against you. Is that correct in your case,
7 Mr. Torres?

8 **DEFENDANT TORRES:** Yes, sir.

9 **THE COURT:** Ms. Lopez?

10 **DEFENDANT LOPEZ:** Yes.

11 **THE COURT:** Mr. Martinez?

12 **DEFENDANT MARTINEZ:** Yes, your Honor.

13 **THE COURT:** Mr. Robledo?

14 **DEFENDANT ROBLEDO:** Yes, sir.

15 **THE COURT:** Mr. Montalvo?

16 **DEFENDANT MONTALVO:** Yes, sir.

17 **THE COURT:** Mr. Caceres?

18 **DEFENDANT CACERES:** Yes, sir.

19 **THE COURT:** And Mr. Hernandez?

20 **DEFENDANT HERNANDEZ:** Yes.

21 **THE COURT:** Do you understand what you're being
22 charged with, with regards to your indictment, Mr. Torres?

23 **DEFENDANT TORRES:** Yes, sir.

24 **THE COURT:** Ms. Lopez?

25 **DEFENDANT LOPEZ:** Yes.

1 **THE COURT:** Mr. Martinez?

2 **DEFENDANT MARTINEZ:** Yes, your Honor.

3 **THE COURT:** Mr. Robledo?

4 **DEFENDANT ROBLEDOS:** Yes, sir.

5 **THE COURT:** Mr. Montalvo?

6 **DEFENDANT MONTALVO:** Yes, sir.

7 **THE COURT:** Mr. Caceres?

8 **DEFENDANT CACERES:** Yes, sir.

9 **THE COURT:** And Mr. Hernandez?

10 **DEFENDANT HERNANDEZ:** Yes.

11 **THE COURT:** In your case, Mr. Torres, Mr. Martinez,
12 Mr. Robledo, and Mr. Hernandez, do you understand that if you
13 told me right now that if you wanted to plead not guilty to
14 count number one of your indictment, that in order to find you
15 guilty, the government would have to prove at a trial by
16 competent evidence and beyond a reasonable doubt, that from on
17 or about February, 2013 to on or about the date of this
18 indictment, which was filed November 1st of the year 2016,
19 within the jurisdiction of this Court, you had knowingly and
20 intentionally conspired and agreed with at least one other
21 individual to possess with the intent to distribute a
22 controlled substance. That controlled substance involved was 5
23 kilograms or more of the mixture or substance containing a
24 detectible amount of cocaine, a Schedule II controlled
25 substance; 50 grams or more of methamphetamine, a Scheduled II

1 controlled substance; 100 kilograms or more of a mixture or
2 substance containing a detectible amount of marijuana, a
3 Schedule I controlled substance, and that this was a violation
4 of Title 21 U.S. Code, Sections 846, 841(a)(1), 841(b)(1)(A),
5 and 841(b)(1)(B). Do you understand that that's what they
6 would have to prove in order to find you guilty with regards to
7 the charge contained against you in count number one,
8 Mr. Torres?

9 **DEFENDANT TORRES:** Yes, sir.

10 **THE COURT:** Mr. Martinez?

11 **DEFENDANT MARTINEZ:** Yes, your Honor.

12 **THE COURT:** Mr. Hernandez?

13 **DEFENDANT HERNANDEZ:** Yes.

14 **THE COURT:** And Mr. Robledo?

15 **DEFENDANT ROBLEDO:** Yes, sir.

16 **THE COURT:** And in your case, Ms. Lopez, do you
17 understand that if you told me right now that you wanted to
18 plead not guilty to count number four of your indictment, that
19 in order to find you guilty, the government would have to prove
20 at a trial by competent evidence and beyond a reasonable doubt,
21 that on or about October 7th, of the year 2015, within the
22 jurisdiction of this Court, you had knowingly and intentionally
23 possessed with the intent to distribute a controlled substance.
24 The controlled substance involved was 5 kilograms or more, that
25 is approximately 42 kilograms of a mixture or substance

1 containing a detectible amount of cocaine, a Scheduled II
2 controlled substance. Do you understand that that's what they
3 would have to prove in order to find you guilty of that
4 particular charge in your case, Ms. Lopez?

5 **DEFENDANT LOPEZ:** Yes.

6 **THE COURT:** Do you know what the maximum possible
7 punishment is that I can impose in your case, Mr. Torres, based
8 on the drugs are being mentioned and the amounts that are
9 alleged in your indictment? Do you know what the maximum
10 possible punishment is in your case, Mr. Torres?

11 **DEFENDANT TORRES:** Yes, sir.

12 **THE COURT:** Ms. Lopez?

13 **DEFENDANT LOPEZ:** Yes.

14 **THE COURT:** Mr. Martinez?

15 **DEFENDANT MARTINEZ:** Yes, your Honor.

16 **THE COURT:** Mr. Robledo?

17 **DEFENDANT ROBLEDO:** Yes, sir.

18 **THE COURT:** And Mr. Hernandez?

19 **DEFENDANT HERNANDEZ:** Yes.

20 **THE COURT:** In each one of your cases, do you know
21 that the maximum possible punishment is up to life
22 imprisonment? The least that the Court can impose is ten years
23 imprisonment. In addition to all of this, the Court can impose
24 a fine of up to \$10 million, the Court has to impose a \$100
25 special assessment against you as required by law. Also, at

1 the time of sentencing, the Court has to impose a supervised
2 release term in your case of at least five years, which means
3 that when you would be released from prison, you'd be released
4 under supervised release. If you violate a condition of
5 supervised release, that term would be revoked and you would
6 serve that time in custody. In addition to all of this, if the
7 Court were to find that you are financially able, the Court at
8 the time of sentencing would have to assess the costs of
9 incarceration and supervised release supervision on you. Do
10 you understand all of that in your case, Mr. Torres?

11 **DEFENDANT TORRES:** Yes, sir.

12 **THE COURT:** Ms. Lopez?

13 **DEFENDANT LOPEZ:** Yes.

14 **THE COURT:** Mr. Martinez?

15 **DEFENDANT MARTINEZ:** Yes, sir.

16 **THE COURT:** Mr. Robledo?

17 **DEFENDANT ROBLEDO:** Yes, sir.

18 **THE COURT:** And Mr. Hernandez?

19 **DEFENDANT HERNANDEZ:** Yes.

20 **THE COURT:** Mr. Torres, have you discussed the
21 immigration consequences of deportation and a removal from the
22 United States as a result of your pleading guilty to this
23 offense? Have you discussed this with your lawyer?

24 **DEFENDANT TORRES:** Yes, sir.

25 **THE COURT:** Mr. Garcia, is that correct?

1 **MR. GARCIA:** Yes, your Honor.

2 **THE COURT:** Ms. Lopez, have you discussed the
3 immigration consequences of deportation or removal from the
4 United States as a result of your pleading guilty to this
5 particular offense?

6 **DEFENDANT LOPEZ:** Yes.

7 **(Pause)**

8 **THE COURT:** Mr. Hernandez, have you discussed with
9 your attorney the immigration consequences and removal as a
10 result of your pleading guilty to this offense?

11 **DEFENDANT HERNANDEZ:** Yes.

12 **THE COURT:** Is that correct, Mr. Arriaga?

13 **MR. ARRIAGA:** Yes, your Honor.

14 **THE COURT:** And that's true also in your client's
15 case, Mr. Montalvo? You've had that, your client's an American
16 citizen, right?

17 **MR. MONTALVO:** Yes, your Honor. He's an American
18 citizen.

19 **THE COURT:** Mr. Garza, you had this conversation with
20 Ms. Lopez?

21 **MR. GARZA:** Yes, your Honor.

22 **THE COURT:** Do any of you need any further
23 explanation with regards to what the maximum possible
24 punishment in your case? Mr. Torres?

25 **DEFENDANT TORRES:** No, sir.

1 **THE COURT:** Ms. Lopez?

2 **DEFENDANT LOPEZ:** No.

3 **THE COURT:** Mr. Robledo?

4 **DEFENDANT ROBLED0:** No, sir.

5 **THE COURT:** And Mr. Hernandez?

6 **DEFENDANT HERNANDEZ:** No, sir.

7 **THE COURT:** Mr. Montalvo and Mr. Caceres, do you
8 understand that with regards to count number five, that in
9 order to find you guilty the government would have to prove at
10 trial by competent evidence and beyond a reasonable doubt, that
11 on or about March 31st of the year 2016, within the
12 jurisdiction of this Court, you had knowingly and intentionally
13 possessed with the intent to distribute a controlled substance
14 and or aided and abetted the possession with the intent to
15 distribute a controlled substance of 100 kilograms or more,
16 approximately 425 kilograms of a mixture or substance
17 containing a detectible amount of marijuana, a Schedule I
18 controlled substance; in violation of Title 21 U.S. Code
19 Sections 841(a)(1) and 841(b)(1)(B) and Title 18 United States
20 Code Section 2. Do you understand that that's what they would
21 have to prove in order to find you guilty of the charge
22 contained against you in count five your indictment,
23 Mr. Montalvo?

24 **DEFENDANT MONTALVO:** Yes, sir.

25 **THE COURT:** Mr. Caceres?

1 **DEFENDANT CACERES:** Yes, sir.

2 **THE COURT:** The government is indicating that you
3 think this 5 to 40, is that right?

4 **MS. PROFIT:** Yes, your Honor. Because it's more than
5 100 kilograms, it's --

6 **THE COURT:** But less than 1,000.

7 **MS. PROFIT:** -- but less than 1,000.

8 **THE COURT:** Do you know what the maximum possible
9 punishment is that I can impose on your case with regards to
10 the charge in count number five, Mr. Montalvo?

11 **DEFENDANT MONTALVO:** Not really.

12 **THE COURT:** You haven't, you've --

13 **DEFENDANT MONTALVO:** No, I mean I have talked to him,
14 but, (indiscernible), okay.

15 **THE COURT:** You do know what the maximum possible
16 punishment is, right?

17 **DEFENDANT MONTALVO:** Yes, sir.

18 **THE COURT:** Mr. Caceres, do you?

19 **DEFENDANT CACERES:** Yes, sir.

20 **THE COURT:** Does each one of you know, and
21 Mr. Montalvo and Mr. Caceres, based on count number five in
22 your case, that the maximum possible punishment can be up to 40
23 years imprisonment. The least that the Court can impose is 5
24 years imprisonment.

25 In addition to all of this, the Court can impose a

1 fine of up to \$5 million; the Court has to impose a \$100
2 special assessment against you as required by law. Also, at
3 the time of sentencing, if the Court incarcerates you, the
4 court can impose a, the Court has to impose, well, the Court
5 has to incarcerate you. But, the Court will have to impose a
6 supervised release term in your case of at least 4 years, which
7 means that when you would be released from prison, you'd be
8 released under supervised release. If you violate any
9 condition of supervised release, that term would be revoked and
10 you would serve that time in custody.

11 In addition to all of this, if the Court were to find
12 that you are financially able, the Court at the time of
13 sentencing, would have to impose the cost of incarceration and
14 supervised release supervision on you.

15 Do you understand all of that in your case,
16 Mr. Montalvo?

17 **DEFENDANT MONTALVO:** Yes, sir.

18 **THE COURT:** Mr. Caceres?

19 **DEFENDANT CACERES:** Yes, sir.

20 **THE COURT:** Do you need, do you need any further
21 explanation as to what the maximum possible punishment is in
22 your case, Mr. Montalvo?

23 **DEFENDANT MONTALVO:** No, sir.

24 **THE COURT:** Mr. Caceres?

25 **DEFENDANT CACERES:** No, sir.

1 **THE COURT:** The Court is going to find that each one
2 of these defendants understands the nature of the charges to
3 which they're pleas are offered, and certainly are aware of
4 what the maximum possible punishment is in each one of their
5 cases.

6 The next question is addressed to each one of you.
7 Have you and your attorney discussed, talked about the
8 sentencing guidelines, and what if any effect, they might have
9 with regards to your sentencing, Mr. Torres?

10 **DEFENDANT TORRES:** Yes, sir.

11 **THE COURT:** Ms. Lopez?

12 **DEFENDANT LOPEZ:** Yes.

13 **THE COURT:** Mr. Martinez?

14 **DEFENDANT MARTINEZ:** Yes, your Honor.

15 **THE COURT:** Mr. Robledo?

16 **DEFENDANT ROBLEDO:** Yes, sir.

17 **THE COURT:** Mr. Montalvo?

18 **DEFENDANT MONTALVO:** Yes, sir.

19 **THE COURT:** Mr. Caceres?

20 **DEFENDANT CACERES:** Yes, sir.

21 **THE COURT:** And Mr. Hernandez?

22 **DEFENDANT HERNANDEZ:** Yes, sir.

23 **THE COURT:** Do you understand that I will not be able
24 to determine what guideline sentence might apply in your case
25 until after a presentence report has been completed, and you

1 and the government have had an opportunity to object to that
2 report. Do you understand that in your case, Mr. Torres?

3 **DEFENDANT TORRES:** Yes, sir.

4 **THE COURT:** Ms. Lopez?

5 **DEFENDANT LOPEZ:** Yes.

6 **THE COURT:** Mr. Martinez?

7 **DEFENDANT MARTINEZ:** Yes, your Honor.

8 **THE COURT:** Mr. Robledo?

9 **DEFENDANT ROBLEDO:** Yes, sir.

10 **THE COURT:** Mr. Montalvo?

11 **DEFENDANT MONTALVO:** Yes, sir.

12 **THE COURT:** Mr. Caceres?

13 **DEFENDANT CACERES:** Yes, sir.

14 **THE COURT:** And Mr. Hernandez?

15 **DEFENDANT HERNANDEZ:** Yes, sir.

16 **THE COURT:** Do you also understand that even after
17 there has been a determination as to what the applicable
18 guidelines sentence might be in your case, that based on all of
19 the factors that I have to consider under the law as to what
20 the appropriate sentence should be in your case, that I can
21 make the decision that any sentence up to the maximum possible
22 punishment as I explained to you could be the appropriate
23 sentence, regardless of what the guideline calculation might
24 be? Do you understand that in your case, Mr. Torres?

25 **DEFENDANT TORRES:** Yes, sir.

1 **THE COURT:** Ms. Lopez?

2 **DEFENDANT LOPEZ:** Yes.

3 **THE COURT:** Mr. Martinez?

4 **DEFENDANT MARTINEZ:** Yes, your Honor.

5 **THE COURT:** Mr. Robledo?

6 **DEFENDANT ROBLEDO:** Yes, sir.

7 **THE COURT:** Mr. Montalvo?

8 **DEFENDANT MONTALVO:** Yes, sir.

9 **THE COURT:** Mr. Caceres?

10 **DEFENDANT CACERES:** Yes, sir.

11 **THE COURT:** And Mr. Hernandez?

12 **DEFENDANT HERNANDEZ:** Yes.

13 **THE COURT:** Do you also understand that in the
14 federal system there is no parole, and when you're sent to
15 prison you will have to serve the entire imprisonment and time
16 in custody? And when you get released, you get released on
17 whatever supervised release term the Court might impose at the
18 time of sentencing. Do you understand that, Mr. Torres?

19 **DEFENDANT TORRES:** Yes, sir.

20 **THE COURT:** Ms. Lopez?

21 **DEFENDANT LOPEZ:** Yes.

22 **THE COURT:** Mr. Martinez?

23 **DEFENDANT MARTINEZ:** Yes, your Honor.

24 **THE COURT:** Mr. Robledo?

25 **DEFENDANT ROBLEDO:** Yes, sir.

1 **THE COURT:** Mr. Montalvo?

2 **DEFENDANT MONTALVO:** Yes, sir.

3 **THE COURT:** Mr. Caceres?

4 **DEFENDANT CACERES:** Yes, sir.

5 **THE COURT:** And Mr. Hernandez?

6 **DEFENDANT HERNANDEZ:** Yes, sir.

7 **THE COURT:** The Court is going to find that each one
8 of these defendants is aware of the sentencing guidelines, to
9 have a full discussion with his or her attorney about them.

10 In your own case, has anybody threatened you or
11 forced you to plead guilty, or told you that if you did not
12 plead guilty further charges or some other action will be
13 brought against you? Mr. Torres?

14 **DEFENDANT TORRES:** No, it's already been explained.

15 **THE COURT:** The question is has anybody threatened
16 you or forced you to plead guilty, or told you that if you did
17 not plead guilty, further charges or some other action will be
18 brought against you, Mr. Torres?

19 **DEFENDANT TORRES:** No one has threatened me.

20 **THE COURT:** Ms. Lopez?

21 **DEFENDANT LOPEZ:** No.

22 **THE COURT:** Mr. Martinez?

23 **DEFENDANT MARTINEZ:** No, sir.

24 **THE COURT:** Mr. Robledo?

25 **DEFENDANT ROBLEDO:** No, sir.

1 **THE COURT:** Mr. Montalvo?

2 **DEFENDANT MONTALVO:** No, sir.

3 **THE COURT:** Mr. Caceres?

4 **DEFENDANT CACERES:** No, sir.

5 **THE COURT:** Mr. Hernandez?

6 **DEFENDANT HERNANDEZ:** No, sir.

7 **THE COURT:** Is there a plea agreement as a result of
8 discussions between the government and the defense attorney in
9 any one of these cases?

10 **MS. PROFIT:** Yes, your Honor. There is a plea
11 agreement in each of these cases. And generally, the plea
12 agreement provides that the defendant agrees to plead guilty to
13 a count of the indictment, the government will recommend that
14 the offense level decrease by two levels pursuant to United
15 States Sentencing Guideline 3E1.1(a), if the defendant clearly
16 demonstrates acceptance of responsibility. And that the
17 remaining counts of the indictment be dismissed at the time of
18 sentencing.

19 With respect to Ms. Lopez-Perez, the government also
20 will recommend that she receive a minimal role, and that the
21 government recommends that the defendant not be held
22 accountable for the gun found in a box in a closet of her home,
23 and that also, that the remaining counts of the indictment will
24 be dismissed.

25 **THE COURT:** That's only as to Ms. Lopez?

1 **MS. PROFIT:** That's only as to, I mean, the remaining
2 counts of the indictment are as to everyone. But those others
3 with respect to minimal role and our recommendation with
4 respect to the gun is only as to Ms. Lopez.

5 **THE COURT:** Okay. As stated as to your client,
6 Mr. Garcia, is this the plea agreement?

7 **MR. GARCIA:** It is, your Honor.

8 **THE COURT:** Mr. Torres, as stated as to you, is this
9 correct?

10 **DEFENDANT TORRES:** Which one?

11 **THE COURT:** The one that she just explained. Was
12 that your plea agreement with the government?

13 **DEFENDANT TORRES:** Yes.

14 **THE COURT:** Mr. Garza, for your client, is this
15 correct?

16 **MR. GARZA:** Yes, your Honor.

17 **THE COURT:** Ms. Lopez, as stated as to you, is this
18 your plea agreement for yourself?

19 **DEFENDANT LOPEZ:** Yes.

20 **THE COURT:** Mr. Quintanilla, for your client, is that
21 the plea agreement?

22 **MR. QUINTANILLA:** It is, your Honor.

23 **THE COURT:** Mr. Martinez, is that your plea agreement
24 with the government?

25 **DEFENDANT MARTINEZ:** Yes, sir it is.

1 **THE COURT:** Mr. Montalvo, the lawyer, as to your
2 client, is that the plea agreement?

3 **MR. MONTALVO:** Yes, your Honor.

4 **THE COURT:** Mr. Robledo, is that correct?

5 **DEFENDANT ROBLEDO:** Yes, sir.

6 **THE COURT:** Mr. Barroso, as to your client, is that
7 the plea agreement?

8 **MR. BARROSO:** It is, your Honor.

9 **THE COURT:** Mr. Montalvo, is that correct, sir?

10 **DEFENDANT MONTALVO:** Yes, sir.

11 **THE COURT:** Mr. Mulder, with regards to your client,
12 is this the plea agreement?

13 **MR. MULDER:** Yes, your Honor.

14 **THE COURT:** Mr. Caceres, is that correct?

15 **DEFENDANT CACERES:** Yes, sir.

16 **THE COURT:** Mr. Arriaga, as to your client, is this
17 the plea agreement?

18 **MR. ARRIAGA:** Yes, your Honor.

19 **THE COURT:** Mr. Hernandez, is this correct?

20 **DEFENDANT HERNANDEZ:** Yes.

21 **THE COURT:** In your own case, has anybody made any
22 promise to you, other than your plea agreement, that is making
23 you plead guilty? Mr. Torres?

24 **DEFENDANT TORRES:** No one has promised me anything.

25 **THE COURT:** Ms. Lopez?

1 **DEFENDANT LOPEZ:** No.

2 **THE COURT:** Mr. Martinez?

3 **DEFENDANT MARTINEZ:** No, sir.

4 **THE COURT:** Mr. Robledo?

5 **DEFENDANT ROBLEDO:** No, sir.

6 **THE COURT:** Mr. Montalvo?

7 **DEFENDANT MONTALVO:** No, sir.

8 **THE COURT:** Mr. Caceres?

9 **DEFENDANT CACERES:** No, sir.

10 **THE COURT:** And Mr. Hernandez?

11 **DEFENDANT HERNANDEZ:** No, sir.

12 **THE COURT:** Has anybody made any prediction or tried
13 to tell you, or promise you the exact sentence that I will
14 impose in your case? Mr. Torres?

15 **DEFENDANT TORRES:** No, sir.

16 **THE COURT:** Ms. Lopez?

17 **DEFENDANT LOPEZ:** No.

18 **THE COURT:** Mr. Martinez?

19 **DEFENDANT MARTINEZ:** No, your Honor.

20 **THE COURT:** Mr. Robledo?

21 **DEFENDANT ROBLEDO:** No, sir.

22 **THE COURT:** Mr. Montalvo?

23 **DEFENDANT MONTALVO:** No, sir.

24 **THE COURT:** Mr. Caceres?

25 **DEFENDANT CACERES:** No, sir.

1 **THE COURT:** And Mr. Hernandez?

2 **DEFENDANT HERNANDEZ:** No, sir.

3 **THE COURT:** And you do realize that I don't have to
4 follow the plea agreement? Even though this is filed in
5 writing by you and the government together with the Court, I
6 don't have to follow any of it. In fact, if I find it
7 appropriate, I can sentence you up to the maximum possible
8 punishment as I explained it to you, and you will not be able
9 to take your guilty plea back. The only exception to that were
10 to be if I were to decide not to dismiss the other charges
11 against you. I will tell you in open court at the time of
12 sentencing that I didn't plan to do that. And at that point,
13 and only for that reason, you could take your guilty plea back.
14 But even then, you could still continue to plead guilty, but
15 obviously, the outcome of your case might be less favorable to
16 you than that proposed in the plea agreement. Do you
17 understand that, Mr. Torres?

18 **DEFENDANT TORRES:** Yes, sir.

19 **THE COURT:** Ms. Lopez?

20 **DEFENDANT LOPEZ:** Yes.

21 **THE COURT:** Mr. Martinez?

22 **DEFENDANT MARTINEZ:** Yes, your Honor.

23 **THE COURT:** Mr. Robledo?

24 **DEFENDANT ROBLEDO:** Yes, sir.

25 **THE COURT:** Mr. Montalvo?

1 **DEFENDANT MONTALVO:** Yes, sir.

2 **THE COURT:** Mr. Caceres?

3 **DEFENDANT CACERES:** Yes, sir.

4 **THE COURT:** And Mr. Hernandez?

5 **DEFENDANT HERNANDEZ:** Yes, sir.

6 **THE COURT:** The Court is going to find that each one
7 these pleas is voluntary and not the result of any force, or
8 threat, or promise, other than that recited in their plea
9 agreements.

10 But, knowing everything that I've explained to you,
11 do you still want to plead guilty? Mr. Torres?

12 **DEFENDANT TORRES:** Yes, sir.

13 **THE COURT:** Ms. Lopez?

14 **DEFENDANT LOPEZ:** Yes.

15 **THE COURT:** Mr. Martinez?

16 **DEFENDANT MARTINEZ:** Yes, your Honor.

17 **THE COURT:** Mr. Robledo?

18 **DEFENDANT ROBLEDO:** Yes, sir.

19 **THE COURT:** Mr. Montalvo?

20 **DEFENDANT MONTALVO:** Yes, sir.

21 **THE COURT:** Mr. Caceres?

22 **DEFENDANT CACERES:** Yes, sir.

23 **THE COURT:** And Mr. Hernandez?

24 **DEFENDANT HERNANDEZ:** Yes, sir.

25 **THE COURT:** I'm at the point now where I'm going to

1 ask the government's attorney to state the facts in each one of
2 your cases that she and the government claim there are. The
3 reason that I want you to listen closely is because when she's
4 finished, I'm going to ask you if what she said about you was
5 true, or if there is any part of what she said about you that
6 was not true. Can we start with Ms. Lopez, because she's only
7 in one count?

8 **MS. PROFIT:** Okay. On October 7th, 2015, Guillermo
9 Morales had approximately 10 kilograms of cocaine delivered to
10 his stepson's house, which would be Erick Alan Torres Davila,
11 at 5621 Sepal Street. The stepson, Erick Torres Davila, took
12 the cocaine inside the residence and repackaged it. He then
13 left the residence. DEA agents then received information from
14 a confidential source that there was activity at 5621 Sepal
15 Street that was consistent with narcotic trafficking.

16 DEA agents went to the house where they met with
17 Elizabeth Lopez-Perez and requested permission to search the
18 house. A dog alerted to a lower kitchen cabinet, and agents
19 found packaging material with cocaine residue in the trash can.
20 Agents also found additional packaging material, a money
21 counter, and a large amount of cash. After being Mirandized,
22 Ms. Lopez initially claimed to have not seen her husband in
23 several days, even though he had just recently left the
24 residence, and claimed, falsely, that he was living in a hotel.

25 Ms. Lopez had custody and control of the vehicle

1 parked in the driveway at 5621 Sepal Street that contained
2 approximately 42 kilograms of cocaine, by virtue of the fact
3 that she had custody and control of the premises.

4 **THE COURT:** That she had custody and control of the
5 what at the end?

6 **MS. PROFIT:** She had custody and control of the
7 premises, your Honor. She had the house, she had custody and
8 control of the house --

9 **THE COURT:** Okay. And did she know that --

10 **MS. PROFIT:** -- and she had custody and control of
11 the vehicle that was parked in the driveway.

12 **THE COURT:** -- okay. And now are you also saying
13 that she knew there was cocaine there?

14 **MS. PROFIT:** Yes, the government is saying that she
15 knew that there was cocaine, and that the cocaine was packaged
16 in the house. And she knew that by virtue of the fact that the
17 cocaine packaging and residue were found in the kitchen.

18 **THE COURT:** Only women go to the kitchen, or what's
19 the purpose of that statement?

20 **MS. PROFIT:** No, your Honor. It's not that only, I'm
21 not being sexist. It's not that only women go into the
22 kitchen, but that the cocaine residue was there and that the 10
23 kilos had been repackaged there.

24 **THE COURT:** Ms. Lopez, you heard what she's saying
25 are the facts in your case. Is what she said about you true?

1 **DEFENDANT LOPEZ:** No.

2 **THE COURT:** What's not true?

3 **DEFENDANT LOPEZ:** I did not have access to the car,
4 and I didn't know it was there. I didn't know that the drugs
5 were there. And I didn't know that there were residue on the
6 plastic, nor did I know that there was money.

7 **THE COURT:** Well, then how is your client pleading
8 guilty? She's saying she didn't know there was a controlled
9 substance there. She had no idea the money was there. So,
10 what's she, how can she plead guilty here, Mr. Garza?

11 **MR. GARZA:** Judge, Ms. Lopez was aware of what her
12 husband was involved.

13 **THE COURT:** Well, that would be a misprision of a
14 felony. That's not what she's charged here. She's charged
15 with being in possession with the intent to distribute. And
16 misprision would have to be that she actually knew there was a
17 felony being committed, and she didn't make any effort, and in
18 fact, did something to sure that it wasn't found.

19 But, she's pleading guilty to possession with the
20 intent to distribute, not a misprision of a felony where she
21 didn't report it and took some positive step not to report it.

22 **MS. PROFIT:** She took positive steps, your Honor,
23 because she specifically lied to the agents about when her
24 husband had been there --

25 **THE COURT:** Okay. But, that doesn't make her guilty

1 of possession with the intent to distributes cocaine.

2 **MS. PROFIT:** -- your Honor, there was \$24,000 that
3 was found in the, in a box on the top of the dresser that was
4 used by both parties. In addition to that --

5 **THE COURT:** She's, I'm not interested in what you're
6 claiming here, I'm interested in what she's willing to admit.
7 She's not willing to admit that she knew that the drugs were
8 there. She's pleading guilty to this 10 year mandatory
9 minimum, but she says I didn't know anything about the drugs.
10 So, Mr. Garza, how do I take a guilty plea from her?

11 **MR. GARZA:** It's been a very difficult case to try to
12 work out a plea agreement. I've discussed it --

13 **THE COURT:** Well, this isn't a question of plea
14 agreement, this is a question of convincing the Court that
15 she's willing to admit to facts that she committed this. I
16 cannot take a guilty plea from somebody that is not willing to
17 admit the facts. And so far she's saying I didn't know the
18 drugs were there, and I didn't possess them. There's a
19 difference between knowing that somebody's committing a crime
20 and actually being participating in the crime itself. And you
21 might know that somebody's committing a crime, but that doesn't
22 even make you guilty of misprision unless you took a step to
23 make sure that the person wasn't discovered.

24 And so, how am I supposed to take your client's plea
25 if she says she doesn't, didn't know about it? Did you know

1 about the drugs and whether the cocaine was there?

2 **DEFENDANT LOPEZ:** No.

3 **THE COURT:** So, she, she can't plead guilty. We
4 obviously have to put her, set her for trial here.

5 **MR. GARZA:** And we're ready to go --

6 **THE COURT:** Did you have this discussion with her,
7 Mr. Garza?

8 **MR. GARZA:** -- Judge, I have for many months. And
9 she doesn't want to take it to trial. And so --

10 **THE COURT:** Well she can't, I cannot take a guilty
11 plea from somebody that says I didn't know there was a
12 controlled substance there other than the fact I just happened
13 to live there. And she's not willing to admit that. And if
14 she can't admit that, she's not guilty.

15 **MR. GARZA:** -- yes, your Honor.

16 **THE COURT:** Do you understand that, Ms. Lopez?

17 **DEFENDANT LOPEZ:** Yes, but I don't want to go to
18 trial.

19 **THE COURT:** Well, I don't care if you don't want to
20 go trial, but the fact is, I can't take your guilty plea
21 because I cannot find, as a matter of law, that you were guilty
22 of this offense. It isn't that just somebody has to plead
23 guilty, I have to be convinced that you're willing to admit the
24 facts under oath that make you guilty, because I cannot take a
25 guilty plea from somebody who is not guilty under the law. And

1 so far you're telling me, I didn't know there was any, any
2 controlled substance, I didn't know there were 42 kilograms of
3 cocaine. So therefore, how could you plead guilty of
4 possessing with the intent to distribute them if you didn't
5 know that?

6 (Pause)

7 DEFENDANT LOPEZ: You're telling me not to lie, and
8 I'm not lying. But I just don't want to go to trial, because
9 of the time, because if I lose, I will not see my children.

10 THE COURT: Well, do you have any idea how much time
11 you're going to spend in custody if you plead guilty to this
12 offense that you're not going to be with your children? Do
13 you think that you're just going to get off on, this is a
14 mandatory minimum of 5 years to 40 years in prison.

15 (Pause)

16 DEFENDANT LOPEZ: We have an agreement with the
17 prosecution to refuse place, and the time would be minimal, in
18 comparison, if I lose in a trial.

19 THE COURT: Well, I'm sorry, I can't take her guilty
20 plea, Mr. Garza. She's not willing to admit the facts here,
21 she's not guilty, I cannot take her guilty plea if she's not
22 guilty.

23 MR. GARZA: Yes, your Honor.

24 THE COURT: And she's not willing to admit the facts
25 here other than I just don't want to be in prison anymore. And

1 that's not sufficient.

2 **MR. GARZA:** Yes, your Honor.

3 **THE COURT:** Okay. And so, she's going to be included
4 in the group, I take it, you're not opposed to the motion for
5 continuance for those that are continuing.

6 **MR. GARZA:** No, I'm not opposed.

7 **THE COURT:** Okay. You all can be excused.

8 **(Pause)**

9 **THE COURT:** Let's go ahead and go on with regards to
10 Mr. Montalvo and Mr. Caceres, with regards to count number
11 five.

12 **MS. PROFIT:** Your Honor, on count one.

13 **THE COURT:** No, count number five.

14 **MS. PROFIT:** Oh, I'm sorry.

15 **THE COURT:** Mr. Montalvo and Mr. Caceres.

16 **MS. PROFIT:** In March of 2016 --

17 **THE COURT:** And I hope you all understand that the
18 Court cannot legally take a guilty plea from somebody that
19 doesn't admit the facts.

20 **MS. PROFIT:** -- your Honor, I understand. There's
21 been a lot of discussions, the government has --

22 **THE COURT:** Well the discussion today was that she
23 was quite clear that she could not admit those facts.

24 **MS. PROFIT:** -- and the government has reason to
25 dispute her opinion, for lack of a better way of wording it,

1 which is not a good way of wording it. But at any rate, we
2 just have reason to dispute it

3 **THE COURT:** Well, her attorney says she's telling the
4 truth in what she's saying, and so I can't really take anything
5 else.

6 **MS. PROFIT:** I understand that, your Honor.

7 **THE COURT:** We don't have a system here where people
8 just come and say I'm guilty. That's why we have laws in this
9 country.

10 **MS. PROFIT:** I understand that as well, your Honor.

11 **THE COURT:** Okay. Let's go on with the rest of
12 Mr. Montalvo and Mr. Caceres with regards to count number five.

13 **MS. PROFIT:** In March of 2016, Jesus Remedios
14 Manqueros (phonetic) entered into negotiations with someone,
15 who unbeknownst to him, was an undercover officer with the
16 Dallas Police Department. These negotiates concerned the
17 purchase of approximately --

18 **THE COURT:** Who was, who did the negotiating?

19 **MS. PROFIT:** -- an undercover officer with the Dallas
20 Police Department, your Honor.

21 **THE COURT:** Okay.

22 **MS. PROFIT:** These negotiations concerned the
23 purchase of approximately 500 pounds of marijuana. On March
24 31st, 2016, Anthony Ray Sanchez, Olemar Montalvo, and Erick
25 Caceres-Coleman, were observed by Dallas police officers

1 helping Jesus Remedios Manqueros at his residence, loading
2 bundles into Manqueros' Avalanche. Manqueros and Eric Caceres-
3 Coleman, then drove to the location where they were to meet
4 with the Dallas undercover officer. Olemar Montalvo,
5 accompanied by Anthony Ray Sanchez, followed the Manqueros load
6 vehicle.

7 Once at the storage unit, while Manqueros met with
8 the undercover officer, Sanchez and Caceres --

9 **THE COURT:** While who met with them?

10 **MS. PROFIT:** -- Mr. Manqueros, your Honor, he plead
11 guilty earlier.

12 **THE COURT:** Go ahead.

13 **MS. PROFIT:** Sanchez and Caceres-Coleman began
14 offloading the marijuana from the Avalanche into the storage
15 unit. Olemar Montalvo provided surveillance as they unloaded.
16 The total amount of the marijuana recovered from the storage
17 unit was 508.2 pounds. The Dallas Police Department conducted
18 a search of Manqueros' residence where an additional 500 pounds
19 of marijuana was recovered. The marijuana was transported to
20 Manqueros from the Southern District of Texas, in Dallas. The
21 marijuana originated as part of this conspiracy here, your
22 Honor.

23 **THE COURT:** So, that's it?

24 **MS. PROFIT:** That's it.

25 **THE COURT:** And the total amount of marijuana was?

1 More than 100 kilograms.

2 **MS. PROFIT:** More than 100 kilograms, yes your Honor.

3 **THE COURT:** Mr. Montalvo, you heard from the
4 government the stating of the facts in your case. Is what she
5 said about you true?

6 **DEFENDANT MONTALVO:** Somewhat, yes, sir.

7 **THE COURT:** What's not true?

8 **DEFENDANT MONTALVO:** Anthony wasn't with me when we
9 were driving. And I wasn't loading anything. I didn't help
10 them unload or load anything on to the truck. I just ended up,
11 basically, being a lookout. I just --

12 **THE COURT:** Surveillance.

13 **DEFENDANT MONTALVO:** -- yes, sir.

14 **THE COURT:** And you knew what you were being a
15 lookout for, and that you were participating in it?

16 **DEFENDANT MONTALVO:** Yeah, well, at the end, yeah.

17 **THE COURT:** Okay. Where do you get the information
18 that he loaded and unloaded?

19 **MS. PROFIT:** Your Honor, the police report would have
20 identified him as being one of the ones that they had
21 identified or observed as loading it. In terms of his, after
22 the fact statements, he described to David Martinez what his
23 role was in the sense that he had gone, and he had followed
24 them, and he was providing surveillance. He also had a weapon,
25 your Honor.

1 **THE COURT:** So, you're in agreement that you did
2 participate in this from the standpoint of surveillance?

3 **DEFENDANT MONTALVO:** Just as surveillance, sir. Yes,
4 sir.

5 **THE COURT:** To make, and that you knew what was going
6 on, and that you aided and abetted the commission of this
7 offense by helping as far as surveillance?

8 **DEFENDANT MONTALVO:** Yes, sir.

9 **THE COURT:** And Mr. Caceres, is what she said about
10 you true?

11 **DEFENDANT CACERES:** Yes, sir.

12 **THE COURT:** Was there any part that was not true?

13 **DEFENDANT CACERES:** No, sir.

14 **THE COURT:** So, in your own case, on or about, both
15 of you, March 31st of the year 2016, you did knowingly and
16 intentionally possess with the intent to distribute, and or aid
17 and abet the possession with the intent to distribute a
18 controlled substance. And that the controlled substance was
19 100 kilograms or more, that is approximately 425 kilograms of a
20 mixture or substance containing, whether it was more than 100
21 kilograms of marijuana. Is that correct in your case,
22 Mr. Montalvo?

23 **DEFENDANT MONTALVO:** Yes, sir, which was the 500
24 pounds.

25 **THE COURT:** Well, more than 100 kilograms.

1 Mr. Caceres?

2 **DEFENDANT CACERES:** Yes, sir.

3 **THE COURT:** And to commit this offense, you aided and
4 abetted the commission of this offense, Mr. Caceres by helping
5 load the marijuana into the vehicle that it was going to be
6 going for, or load it to a particular location where it was
7 going to be kept for further distribution, is that correct?

8 **DEFENDANT CACERES:** Yes, sir.

9 **THE COURT:** And Mr. Montalvo, in your case, you aided
10 and abetted the commission of this offense by agreeing that you
11 would provide surveillance to make sure that this occurred
12 while this was, the loading and unloading was happening, as it
13 was being loaded and unloaded for further distribution, is that
14 correct?

15 **DEFENDANT MONTALVO:** Yes, sir.

16 **THE COURT:** And each one of you knew what you were
17 doing was illegal and no one forced you to do it? You did it
18 of your own free will, Mr. Montalvo?

19 **DEFENDANT MONTALVO:** Yes, sir.

20 **THE COURT:** Mr. Caceres?

21 **DEFENDANT CACERES:** Yes, sir.

22 **THE COURT:** Okay. Let's go on with regards to
23 Mr. Torres, Mr. Martinez, Mr. Robledo, and Mr. Hernandez with
24 regards to count number one.

25 **MS. PROFIT:** Beginning sometime in February, 2013,

1 and continuing to on or about October of 2016, the defendants
2 Erick Alan Torres Davila, David Martinez, Efrain Robledo, and
3 Hector Hernandez-Cardenas, entered into an agreement to
4 distribute more than 5 kilograms of cocaine.

5 In furtherance of this agreement, on October 7th,
6 2015, Alan Torres Davila stored 42 kilograms of cocaine in a
7 vehicle at his residence, at 5621 Sepal Street in Edinburgh,
8 Texas. Later that day, DEA seized 42 kilograms of cocaine from
9 the vehicle. Erick Torres Davila had intended to distribute
10 the cocaine along with Guillermo Morales.

11 In furtherance of this agreement on April 11th, 2016,
12 Erick Alan Torres Davila agreed and arranged to pick up
13 approximately 13 kilograms of cocaine from Amairani Flores,
14 also known as Lizzette. Erick Alan Torres Davila picked up the
15 cocaine from Amairani Flores, and then gave the cocaine to
16 Mario Gonzalez, who was later stopped by DPS and the cocaine
17 was seized.

18 In furtherance of this agreement, in April of 2016,
19 Efrain Robledo supplied approximately 40 kilograms of cocaine
20 to Guillermo Morales, Erick Alan Torres Davila, and Hector
21 Hernandez-Cardenas, which they agreed to store at Elmer Macario
22 Ramos' ranch in Weslaco.

23 In furtherance of this agreement, Hector Hernandez-
24 Cardenas agreed to pick up approximately 40 kilograms of
25 cocaine from the location known as the pool halls and to

1 deliver it to Elmer Macario's stash house in Weslaco. Hector
2 Hernandez-Cardenas was followed by law enforcement as he
3 delivered the additional cocaine to the ranch. Pursuant to a
4 search warrant, Texas DPS searched the ranch location and
5 approximately 215 kilograms of cocaine were recovered.

6 In furtherance of this agreement, Guillermo Morales
7 provided cocaine to David Martinez, who supplied it to Oscar
8 Tanguma and Andres Martinez, who would recruit drivers to drive
9 the cocaine to various locations. In April of 2016, Norberto
10 Cantu drove 7 kilograms of David Martinez's cocaine to Memphis,
11 Tennessee, where it was seized by the Memphis Police
12 Department.

13 On May 12th, 2016, 4 kilograms of cocaine belonging
14 to David Martinez, but that had been to Oscar Tanguma were
15 seized from a driver in Kingsville, Texas.

16 **THE COURT:** Mr. Torres, you heard what the government
17 is saying are the facts in your case. Is what she said about
18 you true?

19 **DEFENDANT MARTINEZ:** (Speaking Spanish)

20 **THE COURT:** Hold on, I'm starting with Mr. Torres.

21 **DEFENDANT TORRES:** Yes, sir.

22 **THE COURT:** Was there any part that was not true?

23 **DEFENDANT TORRES:** I don't think so.

24 **THE COURT:** Well, that's not a question of think so.
25 Was there any part that was not true?

1 **DEFENDANT TORRES:** Nothing's false, not true.

2 **THE COURT:** Mr. Martinez, is what she said about you
3 true?

4 **DEFENDANT MARTINEZ:** It is correct, your Honor.

5 **THE COURT:** Is there any part that was not true?

6 **DEFENDANT MARTINEZ:** No, sir.

7 **THE COURT:** Mr. Robledo, is what she said about you
8 true?

9 **DEFENDANT ROBLEDO:** Yes, sir.

10 **THE COURT:** Is there any part that was not true?

11 **DEFENDANT ROBLEDO:** No, sir.

12 **THE COURT:** Mr. Hernandez, is what she said about you
13 true?

14 **DEFENDANT HERNANDEZ:** Yes, sir.

15 **THE COURT:** Is there any part that was not true?

16 **DEFENDANT HERNANDEZ:** No.

17 **THE COURT:** So, on or about, from on or about
18 February 2013 to sometime of November 1st, of 2016, each one of
19 you, within the jurisdiction of this Court, and that's
20 Mr. Torres, Mr. Martinez, Mr. Robledo, and Mr. Hernandez, you
21 did knowingly and intentionally conspire and agree with at
22 least one other individual to possess with the intent to
23 distribute a controlled substance, namely 5 kilograms or more
24 of a mixture or substance containing a detectible amount of
25 cocaine, a Schedule II controlled substance and or 50 grams or

1 more of methamphetamine, a Schedule II controlled substance,
2 and or 100 kilograms or more of a mixture or substance
3 containing a detectible amount of marijuana, a Schedule I
4 controlled substance. Is that correct in your case,
5 Mr. Torres?

6 **MR. GARCIA:** Your Honor, on behalf of Mr. Torres, I
7 do want to put on the record that we don't agree, nor do we
8 stipulate, that Mr. Torres had knowledge of the 215 kilos that
9 were found at the ranch.

10 **THE COURT:** But, he is agreed, that he, you have
11 mixed different amounts here in this count number one of the
12 indictment.

13 **MS. PROFIT:** Your Honor --

14 **THE COURT:** You have some that are 5 to 40, and then
15 you have other that are --

16 **MS. PROFIT:** -- your Honor, each of these --

17 **THE COURT:** -- and I gave them the instruction with
18 regards to 10 to life.

19 **MS. PROFIT:** -- and he is 10 to life, your Honor. He
20 admits to the 42 kilograms.

21 **THE COURT:** Okay. Is there somebody that is not 10
22 to life? They've all admitted that they understood that this
23 was --

24 **MS. PROFIT:** There's no one in this group --

25 **THE COURT:** -- and, and, I think you were talking

1 that every single one of them is involved in 5 kilograms or
2 more of cocaine.

3 **MS. PROFIT:** -- that's correct, your Honor.

4 **MR. GARCIA:** We did agree to that.

5 **MS. PROFIT:** Each --

6 **THE COURT:** Everybody has agreed to that, that has
7 plead guilty to count number one.

8 **MR. GARCIA:** As to my client, yeah. Yes, your Honor.

9 **THE COURT:** It's just that this indictment is written
10 in a certain way with regards to other drugs, but I didn't hear
11 any of the other drugs mentioned in the fact pattern that she
12 gave for the people who plead to count number one.

13 **MS. PROFIT:** -- to simplify it I dealt with the
14 cocaine, your Honor.

15 **THE COURT:** Well, this was not simplified, but go
16 ahead.

17 **MS. PROFIT:** Well, I dealt with the cocaine.
18 Mr. Martinez was involved with the methamphetamine with Efrain
19 Dimas Lopez. But at any rate, your Honor, each of these
20 defendants was involved with more than 5 kilograms of cocaine
21 that was seized. Which has said nothing to the amount that
22 were not seized but were being transported.

23 **THE COURT:** Mr. Torres, is what she said about you
24 true?

25 **DEFENDANT TORRES:** Yes.

1 **THE COURT:** Is there any part that was not true?

2 **DEFENDANT TORRES:** No.

3 **THE COURT:** Mr. Martinez, is what she said about you
4 true?

5 **DEFENDANT MARTINEZ:** Yes, your Honor.

6 **THE COURT:** Was there any part that was not true?

7 **DEFENDANT MARTINEZ:** No, your Honor.

8 **THE COURT:** Mr. Robledo, is what she said about you
9 true?

10 **DEFENDANT ROBLEDO:** Yes, sir.

11 **THE COURT:** Is there any part that was not true?

12 **DEFENDANT ROBLEDO:** No, sir.

13 **THE COURT:** Mr. Hernandez, is what she said about you
14 true?

15 **DEFENDANT HERNANDEZ:** Yes.

16 **THE COURT:** Was there any part that was not true?

17 **DEFENDANT HERNANDEZ:** No.

18 **THE COURT:** So, to further this conspiracy each one
19 of you, of possessing with the intent to distribute 5 kilograms
20 or more of a mixture or substance of cocaine, Mr. Torres, you
21 did agree at one point to store, at your residence, to further
22 this conspiracy, approximately 42 kilograms of cocaine. And
23 then at one point, it was put on a vehicle for further
24 distribution. Is that correct?

25 **MS. PROFIT:** It was put --

1 **DEFENDANT TORRES:** From the beginning it was in the
2 vehicle. I never put it inside the house.

3 **THE COURT:** You mentioned 42 kilograms stored at
4 residence.

5 **MS. PROFIT:** -- well, your Honor, it was 42, the
6 vehicle was in the driveway of the residence. He disputes the
7 fact that 10 kilograms of cocaine were delivered to that
8 residence that day and that there were 10, there were wrappings
9 for 10 kilograms of cocaine, with cocaine residue. He's
10 disputing that. But the evidence --

11 **THE COURT:** So what is he admitting here? I mean, I
12 don't --

13 **MS. PROFIT:** -- he's admitting to --

14 **THE COURT:** -- understand how you all come here and
15 just say, this is it, but you --

16 **MS. PROFIT:** -- he's admitting to --

17 **THE COURT:** -- figure out what they're willing to
18 admit at the time of the guilty plea.

19 **MS. PROFIT:** -- he admitted to the fact that there
20 were 42 kilograms of cocaine, it was seized --

21 **THE COURT:** I'm not asking you what he, I just want
22 to know what it is you say, why don't you repeat the facts for
23 him again?

24 **MS. PROFIT:** On October 7th, 2015, Erick Alan Torres
25 Davila stored 42 kilograms of cocaine in a vehicle in his, on

1 his, in his, at his residence at 5621 Sepal Street in
2 Edinburgh, Texas.

3 **THE COURT:** Okay. Is what she said about you true?

4 **DEFENDANT TORRES:** Yes, sir.

5 **THE COURT:** Okay. So, the confusion on your part
6 was, that it was at your residence, but it was really in a
7 vehicle, in the garage of your residence as opposed to inside
8 the residence.

9 **MS. PROFIT:** It wasn't in the --

10 **MR. GARCIA:** In the driveway.

11 **DEFENDANT TORRES:** In the driveway.

12 **THE COURT:** In the driveway of the residence. I
13 mean, does that really make much of a difference?

14 **MR. GARCIA:** It does make a difference, your Honor,
15 because we've been going for months. So the Court understands,
16 we've been going for months with the government as to whether
17 there was wrapping or unwrapping inside the home. They found
18 wrapping inside the home. That's where the dispute arises,
19 whether he was breaking down drugs inside the home. My
20 client --

21 **THE COURT:** Does that really matter, he's
22 admitting --

23 **MR. GARCIA:** I agree.

24 **THE COURT:** -- that he had 42 kilograms --

25 **MR. GARCIA:** I agree.

1 **THE COURT:** -- of cocaine.

2 **MR. GARCIA:** I agree. I agreed. He could plead to
3 just 5 or more, and we could deal with this, make it a
4 sentencing issue.

5 **THE COURT:** Okay. Just go ahead and repeat what
6 you're saying with regards to him.

7 **MS. PROFIT:** -- okay. So, then we're over the 42
8 kilograms. On April 11th, 2016, he picked up approximately 13
9 kilograms of cocaine from Amairani Flores, also known as
10 Lizette. Then, in April of 2016, he was involved with the 40
11 kilograms of cocaine that were delivered to Guillermo Morales,
12 Erick Alan Torres Davila, and Hector Hernandez-Cardenas. Those
13 were the ones that were going to be stored at Elmer Macario
14 Ramos' ranch in Weslaco.

15 **THE COURT:** Okay. He's pleading to a conspiracy.

16 **MS. PROFIT:** Right.

17 **THE COURT:** So, your claim is that he agreed with
18 other individuals to participate with this. Is that right?

19 **MS. PROFIT:** That's correct, your Honor

20 **THE COURT:** Okay. Mr. Torres, is what she said about
21 you true?

22 **DEFENDANT TORRES:** Yes, but I think there's a mistake
23 there, because the 13 kilos were not going to be held at the
24 ranch.

25 **MS. PROFIT:** I didn't say that your Honor. I said

1 that there were 40 kilos that were going to be held at the
2 ranch. The 13 kilos were with Lizette, and he gave them to
3 Mario Gonzalez, and they were seized by DPS.

4 **THE COURT:** Okay. Is that true?

5 **(Pause)**

6 **DEFENDANT TORRES:** Yes, sir.

7 **THE COURT:** Okay. And remember, this is a
8 conspiracy. So, you have to indicate that there's other
9 individuals; that it wasn't just him. And that he had agreed
10 to do all of these things with somebody else.

11 **MS. PROFIT:** Yes, your Honor, and he had agreed --

12 **THE COURT:** And you've done that Mr. Torres, is that
13 correct? From on or about these dates in February 2013 to
14 sometime in 2016, you did knowingly and intentionally conspire
15 with at least one other individual to possess with the intent
16 to distribute a controlled substance, 5 kilograms or more of a
17 substance containing a detectible amount of cocaine. Is that
18 right?

19 **DEFENDANT TORRES:** Yes, sir.

20 **THE COURT:** And that included the 42 kilograms of
21 cocaine that she's mentioned and how they were in a vehicle in
22 your particular driveway. The 13 kilograms that were picked up
23 by somebody else, and the 40 kilograms that you all have just
24 admitted, you have just admitted as to what she indicated about
25 you? And all of these were in agreement with at least one

1 other individual, is that correct?

2 **DEFENDANT TORRES:** Yes, sir.

3 **THE COURT:** And you knew what you were doing was
4 illegal and no one forced you to do it, you did it of your own
5 free will?

6 **DEFENDANT TORRES:** Yes, sir.

7 **THE COURT:** And with regards to you, Mr. Robledo, in
8 your case, you agreed to go ahead and help, agree with at least
9 one other individual that there would be 40 kilograms of
10 cocaine supplied to someone else for further distribution. Is
11 that correct?

12 **DEFENDANT ROBLEDO:** Yes, sir.

13 **THE COURT:** And you knew what you were doing was
14 illegal, and no one forced you to do it, you did it of your own
15 free will?

16 **DEFENDANT ROBLEDO:** Yes, sir.

17 **THE COURT:** And Mr. Martinez, in your case, you also
18 agreed to supply and to participate with the supply and to
19 other individuals with at least, a discussion with at least one
20 other person or more, to go ahead and provide cocaine, of more
21 than 5 kilograms for further distribution. Is that correct?

22 **DEFENDANT MARTINEZ:** Yes, your Honor.

23 **THE COURT:** And you knew what you were doing was
24 illegal, and no one forced you to do it, you did it of your own
25 free will?

1 **DEFENDANT MARTINEZ:** Correct, your Honor.

2 **THE COURT:** And Mr. Hernandez, in your case, you
3 participated in this conspiracy by agreeing to go ahead and
4 take about 40 kilograms of cocaine to Mr. Robledo's house,
5 where it was going to be stored and or kept for further
6 distribution to someone else. Is that correct?

7 **MS. PROFIT:** It was, it was Elmer Macario, your
8 Honor, it was not, he was taking it to Elmer Macario's stash
9 house.

10 **THE COURT:** He was taking it to that stash house, but
11 he was doing it on behalf of Mr. Robledo.

12 **MS. PROFIT:** And Mr. Morales, your Honor. And
13 Mr. Davila.

14 **THE COURT:** And you were doing that, Mr. Hernandez.
15 You were taking more than 5 kilograms, and you agreed with one
16 other individual, to go ahead and take them, to another
17 location for further distribution to someone else. Is that
18 correct?

19 **DEFENDANT HERNANDEZ:** Yes, your Honor.

20 **THE COURT:** And it was more than 5 kilograms of
21 cocaine, is that right?

22 **DEFENDANT HERNANDEZ:** Yes.

23 **THE COURT:** With regards to each one of you, the
24 Court is definitely satisfied that there is a factual basis for
25 each one of your guilty pleas. Since you've acknowledged that

1 you are guilty as charged in the count of the indictment to
2 which you have plead guilty to, since you know of your right to
3 a trial and what the maximum possible punishment is, and since
4 you're voluntarily pleading guilty, I will order that a
5 presentence investigation reports in your cases be prepared.
6 The Court's going to order that they be prepared by May 8th, of
7 the year 2018. Objections have to be filed by May 22nd, of the
8 year 2018. And final reports have to ready for the Court by
9 June 5th, of the year 2018.

10 Are your clients going to insist on the 35 day
11 waiting period before they are sentenced.

12 **(All Defense Counsel respond in the negative)**

13 **THE COURT:** Everybody is waiving it. The sentencing
14 is on June 27th, of the year 2018 at 9:30 in the morning in
15 this courtroom. Any motions for continuance have to be filed
16 by June 25th, by the year 2018.

17 If you all don't have anything else, you all can be
18 excused.

19 **(Pause)**

20 **MS. PROFIT:** There's a couple of people that are out
21 on bond, your Honor.

22 **THE COURT:** We do have --

23 **MS. PROFIT:** And the government does believe that
24 there are exceptional circumstances to continue them out on
25 bond, your Honor.

1 **THE COURT:** I need to look at their Pretrial Services
2 reports. Mr. Caceres and Mr. Martinez, you've now plead to
3 something that no longer allows you to be on out on bond,
4 unless there are exceptional circumstances. Can I see the
5 Pretrial Services reports?

6 **(Pause)**

7 **THE COURT:** Mr. Arriaga, you need to come back here.

8 **(Pause)**

9 **THE COURT:** Do we have to print out the copy or do we
10 have it.

11 **THE CLERK:** Yes, Judge.

12 **THE COURT:** Please remember, that if we have somebody
13 out on bond, we need the Pretrial Services report.

14 **MS. OWENS:** Yes, your Honor. I apologize.

15 **(Pause)**

16 **THE COURT:** Might as well bring up the other two
17 defendants if they're in custody. Just bring them in here so
18 we can be ready to take them up.

19 **(Pause)**

20 **THE COURT:** The reason we don't have a Pretrial
21 Services report for Mr. Caceres is what?

22 **MS. OWENS:** He is being supervised, or I believe
23 they're both being supervised out of --

24 **THE COURT:** What?

25 **MS. OWENS:** -- I'm sorry, your Honor. I believe

1 they're both being supervised in the Dallas.

2 **THE COURT:** Okay. But, we still need a copy of the
3 Pretrial Services report. Can you get one?

4 **MS. OWENS:** Yes, your Honor. Let me, just one
5 second, my apologies.

6 **(Pause)**

7 **THE COURT:** Mr. Montalvo, you live in Corpus Christi,
8 is that correct?

9 **DEFENDANT MONTALVO:** Yes, sir.

10 **THE COURT:** You're an American citizen?

11 **DEFENDANT MONTALVO:** Yes, sir.

12 **THE COURT:** You have been arrested before, right?

13 **DEFENDANT MONTALVO:** Yes.

14 **THE COURT:** Several times.

15 **DEFENDANT MONTALVO:** Yes, sir.

16 **THE COURT:** Weapons, unauthorized use of a vehicle,
17 possession of marijuana, failure to identify, interfere with
18 emergency request for assistance, delivery of marijuana, it's
19 quite a history, is that correct?

20 **DEFENDANT MONTALVO:** Yes, sir.

21 **THE COURT:** Are you working someplace right now?

22 **DEFENDANT MONTALVO:** Yes, sir. I'm an electrician
23 for Triad Electrical Contractors.

24 **THE COURT:** Are you electronic monitoring or
25 anything?

1 **DEFENDANT MONTALVO:** Yes, sir. I have the ankle
2 monitor on right now.

3 **MR. BARROSO:** Your Honor, I might add that he has
4 been on bond supervision. He was initially arrested by --

5 **THE COURT:** He's been on bond supervision from pretty
6 much from the start.

7 **MR. BARROSO:** -- yes, your Honor.

8 **THE COURT:** And that was out of Corpus Christi.

9 **MR. BARROSO:** Actually, it was out of Dallas, your
10 Honor.

11 **DEFENDANT MONTALVO:** It was out of Dallas.

12 **MR. BARROSO:** He was arrested in Dallas.

13 **THE COURT:** But it was Judge Libby who participated
14 over his decision as to whether he should be out on bond or
15 not, the Magistrate Judge in Corpus Christi.

16 **MR. BARROSO:** But, prior to that time, they were
17 arrested at the state level, and they executed bonds there your
18 Honor.

19 **THE COURT:** I'm not interested in the state level.

20 **MR. BARROSO:** I'm sorry. Okay.

21 **THE COURT:** I'm interested, since he's come into our
22 custody, he's been out on bond. A decision made by Magistrate
23 Judge Jason Libby in Corpus Christi, in the Federal District
24 Court there.

25 **MR. BARROSO:** I understand, your Honor.

1 **THE COURT:** And the government's view is that you
2 think he should continue out on bond, is that correct?

3 **MS. PROFIT:** Yes, your Honor. I think that there are
4 exceptional circumstances that we've discussed in this
5 particular case. I was --

6 **THE COURT:** Well, he's done nothing that has caused
7 any problems since he's been out on bond over this lengthy
8 period of time.

9 **MS. PROFIT:** -- and I, frankly, your Honor, I
10 originally considered appealing it, and then did not. But, at
11 any rate, he has not had any problems that had been reported to
12 the government. So.

13 **THE COURT:** Well, the Court's convinced by the
14 standard required by law Mr. Montalvo, that you're not likely
15 to flee or pose a danger pending your sentencing. I'm going to
16 continue you under your present bond conditions, every single
17 one of them.

18 **DEFENDANT MONTALVO:** Yes, sir

19 **THE COURT:** The, one of those, of course, is that you
20 make all your scheduled court appearances. The next one is the
21 date that the Court has given you for sentencing. Make sure
22 that you're here. If you're not, your bond is forfeited, an
23 arrest warrant is issued against you, and the government files
24 another felony charge against you for failure to appear, and
25 you definitely don't want to have that kind of problem.

1 **DEFENDANT MONTALVO:** Yes, sir.

2 **THE COURT:** If you all don't have anything else, you
3 all can be excused.

4 **MR. BARROSO:** Thank you, your Honor.

5 **THE COURT:** Mr. Caceres, have you been convicted of
6 something in the past?

7 **DEFENDANT CACERES:** Yes, sir.

8 **THE COURT:** For what?

9 **DEFENDANT CACERES:** Marijuana in Memphis, Tennessee.

10 **THE COURT:** And where are you living now?

11 **DEFENDANT CACERES:** Dallas, Texas, sir.

12 **THE COURT:** And you came down here, did you drive,
13 did you fly, or what?

14 **DEFENDANT CACERES:** I come, the bus.

15 **THE COURT:** So, you came pretty close to here?

16 **DEFENDANT CACERES:** A block away.

17 **THE COURT:** Do you think there's exceptional
18 circumstances in his case?

19 **MS. PROFIT:** Yes, your Honor.

20 **THE COURT:** Are you reporting to your probation
21 officer?

22 **DEFENDANT CACERES:** Yes, sir. I have not messed up
23 anything. Everything has been perfect the day I came up.

24 **THE COURT:** But, you're not under electronic
25 monitoring are you?

1 **DEFENDANT CACERES:** No, sir.

2 **THE COURT:** Are you working?

3 **DEFENDANT CACERES:** Yes, sir. I got to stay at my
4 mom's house because I'm taking care of my grandma. She's ill.
5 She's 90 years old, so she has dementia. So, somebody has to
6 stay with her 24 7 and I get paid by her insurance.

7 **THE COURT:** Did you want to say something,
8 Mr. Mulder?

9 **MR. MULDER:** No, your Honor. Just that we, I'm not
10 aware of any problems with Pretrial, or his reporting. We'd
11 ask that he be continued on the same bond conditions.

12 **MS. PROFIT:** I know that when bond conditions were
13 discussed that his mother came down. And she was very much
14 concerned about him.

15 **MR. MULDER:** He continues to live with her. He's
16 always come to court every time. He takes the bus --

17 **THE COURT:** Well, the government says that he should,
18 you think he should continue out on bond, and that's not a
19 problem.

20 **MS. PROFIT:** That's not a problem, your Honor.

21 **THE COURT:** The Court's convinced by the standard
22 required by law that he's unlikely to flee or pose a danger
23 pending his sentencing. There are exceptional circumstances
24 that have been stated. And so therefore, the Court's going to
25 continue him out on bond pending his sentencing. You have to

1 continue all of your bond conditions that have been imposed.
2 One of those, of course, is that you make your scheduled court
3 appearances. Make sure that you're here. If you're not, your
4 bond is forfeited, an arrest warrant is issued against you, and
5 the government files another felony charge against you for
6 failure to appear. And you definitely don't want to have that
7 kind of problems. Do you understand that?

8 **DEFENDANT CACERES:** Yes, sir.

9 **THE COURT:** If you all don't have anything else, you
10 all can be excused. Thank you.

11 **DEFENDANT CACERES:** Thank you, sir.

12 **THE COURT:** Are you making it back, Mr. Mulder?

13 **MR. MULDER:** I'm sorry?

14 **THE COURT:** Are you the one that told us that you had
15 to --

16 **MR. MULDER:** 5:30 flight.

17 **THE COURT:** You're going to make it.

18 **MR. MULDER:** I think so. Thank you, Judge.

19 **THE COURT:** I thought about making you spend the
20 night here, but we went ahead and scheduled you all for today.

21 **MR. MULDER:** I packed extra clothes just in case.

22 **THE COURT:** That message was given to me earlier,
23 through the case manager.

24 **MR. MULDER:** Thank you, Judge.

25 **(Proceeding ended 3:38 p.m.)**

CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



Signed

December 17, 2019

Dated

TONI HUDSON, TRANSCRIBER